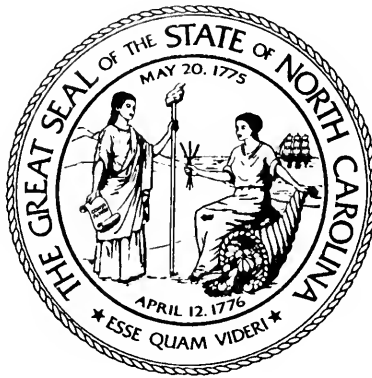


JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS



**REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
Proposed Town of Fletcher and
Proposed Village of Wolf Laurel**

NORTH CAROLINA GENERAL ASSEMBLY
JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27611-9184



Senator James E. Ezzell, Jr.
Co-Chairman

Representative Gordon H. Greenwood
Co-Chairman

REPORT TO THE 1989 GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE VILLAGE OF WOLF LAUREL
AND THE TOWN OF FLETCHER
March 2, 1989

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to review such proposals to see the feasibility of the proposed city, town or village. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of the members appears as Appendix A.

The criteria include specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the review cycle for the 1989 General Assembly, two petitions were received prior to the statutory deadline of 60 days before the session. One petition, with 815 signatures, proposed the incorporation of the Town of Fletcher in Henderson County. A copy of the petition is attached as Appendix C. Because of length, the signature pages are not attached to this report, but are on file in the Legislative Library. Another petition, with 43 signatures, proposed the incorporation of the Village of Wolf Laurel in Madison and Yancey Counties. A copy of the petition is attached as Appendix D.

For the reasons outlined in this report, the Joint Legislative Commission on Municipal Incorporations recommends that the General Assembly incorporate the Town of Fletcher, and recommends that the General Assembly do not incorporate the Village of Wolf Laurel.

Upon receiving the petition, the Commission asked the Department of Natural Resources and Community Development to review the proposals, as authorized by G.S. 120-161. Attached is a memorandum of November 15, 1988 requesting approval of the agency services (Appendix E), and a memorandum from the Department, dated November 29, 1988 outlining the services to be provided (Appendix F). The proposal was approved by the Commission on November 29,

1988, and by the Legislative Services Commission as required by law on December 31, 1988.

The Department of Natural Resources and Community Development issued a report on the initial inquiry regarding Fletcher on November 23, 1988 (Appendix G) and the initial inquiry regarding Wolf Laurel on November 28, 1988 (Appendix H). The Department found that the statutory requirements of a 15% petition of registered voters had been satisfied, along with other procedural requirements. At its meeting of November 29, 1988, the Commission issued findings required by law that the statutory requirements of G.S. 120-163 and G.S. 120-164 had been satisfied as to both proposals, and directed that the feasibility study required by law be made.

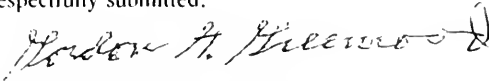
The Department of Natural Resources and Community Development issued a memorandum of January 4, 1989 (Appendix I) concerning Fletcher, finding that all of the statutory criteria had been met except the requirement that if a municipality of over 50,000 is located within five miles, that municipality give its support to the proposal. The City of Asheville did not at that time support the proposed incorporation. The Department found that the proposed tax rate compared favorably with similarly situated towns. The Commission held a public hearing on January 21, 1989 in Asheville, and copies of testimony can be found in the Commission minutes on file in the Legislative Library. On February 21, 1989, the Asheville City Council passed a resolution supporting the proposed incorporation (Appendix J). **The Commission recommends that the General Assembly approve the proposed incorporation of the Town of Fletcher.**

The Department of Natural Resources and Community Development issued a memorandum of January 4, 1989 (Appendix K) concerning Wolf Laurel. That memorandum stated that the proposed Village did not meet the statutory requirement of 100 permanent residents, nor did it meet the statutory requirement of 40% development of urban land uses. Additionally, the Department found that the proposed tax rate and service proposals were not in line with those of similarly situated towns. **The Commission recommends that the General Assembly do not approve the proposed incorporation of the Village of Wolf Laurel.**

Much concern was expressed by both Commission members and property owners at Wolf Laurel about the lack of specifics in the petition concerning plans for road improvements at Wolf Laurel. The initial petition called for no such expenditures, but the petitioners said they planned to offer such services in later years. The impact of such costs of reconstructing roads in mountainous terrain on the tax rate was not clear. At the Commission's final meeting on March 2, 1989, the petitioners commented on the NRCD report (Appendix L), the Department gave some additional information on road costs (Appendix M), and Bald Mountain Development Corporation submitted testimony for the record on such costs (Appendix N). Finally, Concerned Citizens Against Incorporation of Wolf Laurel rebutted the final testimony and statements for the record (Appendix O).

The Commission also found that the reports of the Department of Natural Resources and Community Development had met the requirements agreed on, and requests the Legislative Services Office to pay the sum of \$4,000 to that Department as approved by the Legislative Services Commission on December 31, 1988.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gordon A. Greenwood". The signature is written in dark ink and includes a stylized flourish at the end.

Representative Gordon Greenwood, Chairman,
Joint Legislative Commission on Municipal Incorporations

APPENDIX A

MEMBERSHIP

LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS

Lt. Governor's Appointments

Sen. James E. Ezzell, Jr.
Post Office Box 8225
Rocky Mount, NC 27804
(919) 443-1505

Sen. R. C. Soles, Jr.
Post Office Box 6
Tabor City, NC 28463
(919) 653-2015

Mr. David Taylor
306 N. Columbia Street
Chapel Hill, NC 27514-3699

Speaker's Appointments

Rep. Gordon H. Greenwood
Post Office Box 487
Black Mountain, NC 28711
(704) 669-7961

Rep. Albert S. Lineberry, Sr.
Post Office Box 630
Greensboro, NC 27402
(919) 272-5157

Mr. Raymond Shepherd
Macon County Board of Commissioners
175 Mica City Road
Franklin, NC 28734

Staff: Mr. Gerry Cohen
Legislative Services Office
(919) 733-6660

Clerk: Mrs. Margie T. Kirby
(919) 733-5770 (O)
(919) 243-3528 (H)

APPENDIX B

CHAPTER 1003 HOUSE BILL 1458

AN ACT TO CREATE A JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS, TO REVIEW PROPOSALS TO INCORPORATE NEW MUNICIPALITIES.

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 20.

"Joint Legislative Commission on Municipal Incorporations.

"Part 1. Organization.

"§ 120-158. Creation of Commission.--(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as 'Commission'.

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

"§120-159. Terms.--Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

"§ 120-160. Compensation.--Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

"§ 120-161. Facilities and staff.--The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Natural Resources and Community Development, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

"Part 2. Procedure for Incorporation Review.

"§ 120-163. Petition.--(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by

not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

"§ 120-164. Notification.--(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) the board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) all cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

"§ 120-165. Initial inquiry.--(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

"§ 120-166. Additional criteria; nearness to another municipality.--(a) The Commission may not make a positive recommendation if the proposed municipality is located within one

mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) the proposed municipality is entirely on an island that the nearby city is not on;
- (2) the proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) the nearby municipality by resolution expresses its approval of the incorporation; or
- (4) an area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

"§ 120-167. Additional criteria; population.--The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

"§ 120-168. Additional criteria; development.--Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless 40 percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

"§ 120-169. Additional criteria; area unincorporated.--The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

"§ 120-170. Findings as to services.--The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

"§ 120-171. Procedures if findings made.--(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly.

The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

"§ 120-172. Referendum.--Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of 50 percent (50%) of registered voters the Commission shall not recommend a referendum.

"§ 120-173. Modification of petition.--With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

"§ 120-174. Deadline for recommendations.--If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition."

Sec. 2. G.S. 150B-63(d1) is amended by adding the following at the end: "The North Carolina Register shall also contain notices under G.S. 120-165(a)."

Sec. 3. Funds to implement Article 20 of Chapter 120 of the General Statutes may be provided by the Legislative Services Commission out of funds appropriated to the General Assembly.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of July, 1986.

APPENDIX C

B. Certification of Petition by the Henderson County Board of Elections (G.S. 120-163(b))

The Henderson County Board of Elections has examined the petition to the Joint Legislative Commission on Municipal Incorporation from the citizens of the Fletcher community of Henderson County who are seeking incorporation of the community as the Town of Fletcher.

The Board certifies that there are _____ qualified and registered voters in the area proposed for incorporation as the Town of Fletcher and that the petition contains the signatures of _____ qualified and registered voters who reside within the boundaries of the proposed town. The petition thus contains the signatures of _____ percent of the qualified and registered voters within the limits of the proposed town.

We have placed a check beside the signature of each person who is a qualified and registered voter of the county and who resides in the area proposed for incorporation.

Date _____

Signed _____
Supervisor, Henderson County
Board of Elections

Petitions with 815 signatures of stated registered voters residing within the proposed town boundaries were turned over to the Henderson County Board of Elections for verification. 814 of these signatures had previously been confirmed by the Committee to be actual residents. The Supervisor of the Elections Board declined my request to verify residency of the petitioners due to incomplete or inaccurate registration records. The election Board was able to verify that 747 of the people signing the petitions were registered in Fletcher and Hoopers Creek Precincts of Henderson County. Therefore, the following approximate percentage of registered voters favoring incorporation was derived from the Fletcher Improvement Committee's research:

Assuming that there are two adults in every household and assuming that 60% are registered voters, there are approximately 1443 registered voters in the proposed town of Fletcher (1203 households x 2 x 60%). With 747 validated signatures on the petition, the percentage favoring incorporation is 51.8% (747 / 1443).

In addition we attach a chart listing the streets by state road number and name in the proposed town of Fletcher, the number of dwellings on each street, and the number of petition signatures obtained on each street.

Henderson County Board of Elections

Hendersonville, North Carolina

HARTWELL GREGORY
CHAIRMAN

SALLY GODEHN
SECRETARY

NORMA W. FROST
MEMBER

1988

NORMA M. PRYOR
SUPERVISOR

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Hartwell Gregory, Chairman of the Henderson County Board of Elections do hereby certify that the staff of the Henderson County Board of Elections verified the registrations of the person signing the attached petitions and found that 747 were registered to vote in Fletcher and Hoopers Creek Precincts of Henderson County.

We do not certify that these people reside within the boundary lines of said area to be incorporated.

Hartwell Gregory
Hartwell Gregory, Chairman
Henderson Co. Board of Elections

State of North Carolina
County of Henderson

Sworn to and subscribed before me
this 27th day of October, 1988.

Marcella D. Backhouse
Notary Public

My Commission Expires: 11/21/90

C-2-

PROPOSED TOWN OF FLETCHER
BOX 1084
FLETCHER NC, 28732

October 29, 1988

North Carolina Legislative Committee
North Carolina General Assembly
Raleigh, North Carolina

Re: Proposed Incorporation of the Town of Fletcher

Gentlemen:

Pursuant to General Statute 120-172 we are requesting that a referendum be held to establish an accurate count of the population that favors the incorporation of our town.

The Henderson County Board of Elections is unable to verify the addresses of all the persons signing our petitions because their records for our area are not current or complete. We submitted the petitions for incorporation to the Board of Elections for verification as required by General Statute 120-163.

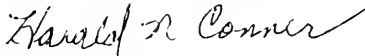
We would appreciate your allowing a referendum to be held within the proposed town's boundaries in order for us to meet the requirements of the legislation passed to incorporate towns.

Thank you for your cooperation and consideration in this matter.

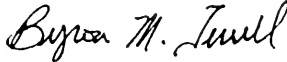
Sincerely,



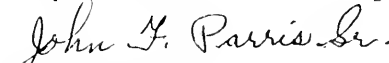
Patricia G. Ritchie, chairperson
Proposed member of the interim governing board



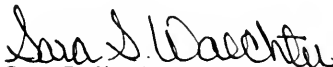
Harold N. Conner
Proposed member of the interim governing board



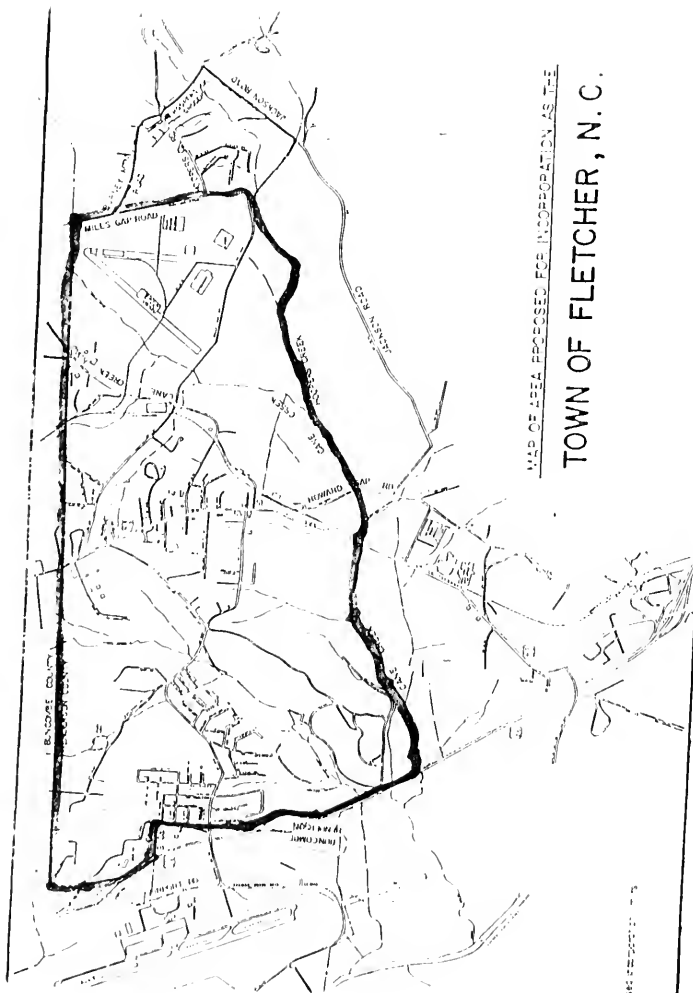
Byron M. Terrell
Proposed member of the interim governing board



John F. Parris, Sr.
Proposed member of the interim governing board



Sara S. Waechter
Proposed member of the interim governing board



TOWN OF FLETCHER, N.C.

C-4-

PROPOSED BOUNDARY DESCRIPTION
FOR FLETCHER INCORPORATION

BEGINNING at a point in the center of Cane Creek where said creek is intersected by the eastern margin of the N.C. Department of Transportation's right-of-way of Interstate 26; thence easterly, running with the center of Cane Creek to the point of confluence of Hooper's Creek with Cane Creek; thence continuing easterly, running with the center of Hooper's Creek to a point where said creek intersects the southeastern margin of State Road (SR) 1539 (Jackson Road); thence northeasterly, running with the southeastern margin of SR 1539 to its intersection with the northeastern margin of SR 1552 (Souther Road, also known as Youngblood Loop and Burney Mountain Road); Thence northwesterly running with the northeastern margin of SR 1552 to its intersection with the northern margin of SR 1553 (Hooper's Creek Road); Thence westerly running with the northern Margin of SR 1553 to its intersection with the northeastern margin of SR 1552 (Burney Mountain Road); Thence running northwesterly with the northeastern Margin of SR 1552 to its intersection with the eastern margin of SR 1551 (Mills Gap Road); Thence northerly running with the eastern margin of SR 1551 to its intersection with the amended Buncombe-Henderson County boundary line as established by an Act of the Legislature of North Carolina in 1851, (recorded in Laws of North Carolina, 1850-1851, Chapter XLV, Page 113-114, ratified the 23rd day of January 1851); Thence westerly running with the amended Duncombe-Henderson County boundary line to a concrete monument, the terminus of the first call of the Duncombe-Henderson County boundary line as established by House Bill 1283, (1959—Session Laws, Chapter 1145, ratified the 18th day of June, 1959); Thence running easterly and southerly with the Buncombe-Henderson County boundary line as established by said House Bill 1283, to its intersection with the eastern Boundary of the Interstate 26 right-of-way; thence southerly, running with the eastern Boundary of the Interstate 26 right-of-way to its intersection with the Buncombe-Henderson County boundary line as established by House Bill 1283; thence easterly and southerly, running with the Buncombe-Henderson County boundary line as established by House Bill 1283, to its intersection with the eastern boundary of the Interstate 26 right-of-way; thence southerly, running with the eastern boundary of the Interstate 26 right-of-way to the point of BEGINNING. C-5-

Chapter III Governing Body

TOWN COUNCIL

ELECTIONS NON-PARTISAN

FULL TIME MAYOR - THIS OFFICE WOULD BE ELECTED BY THE PEOPLE EVERY 4 YEARS.

3-1. Structure of governing body; number of members. The governing body of the Town of Fletcher is the Council, which has 4 members, and the Mayor.

3-2. Manner of electing Council. The Town is divided into four electoral districts, and each district is represented on the Council by one member. The qualified voters of of the entire Town nominate and elect the members of the Council. To be eligible for nomination and election to the Council and for service on the Council as representative of a district, a person must reside in the district.

3-3. Term of office of Council members. Members of the Council are elected to four-year terms. In 1989 and each four years thereafter, two members of the Council shall be elected. In 1991 and each four years thereafter, two members of the Council are elected. The two Council Members receiving the highest vote total would serve beginning terms of 4 years, and the two Council members receiving the lowest number of votes would serve beginning terms of 2 years. Thereafter you would have 2 Council Members running for office every 2 years to serve a term of 4 years.

D. List of Services Proposed to be Provided
(G.S. 120-163(c))

- | | |
|--|--|
| 1. Police (6 man special force set up by Sheriffs Dept. This will give you one officer on patrol for each of the 3 shifts and a second officer on some shifts that need extra help.)

2. Water - Sewer

3. Garbage

4. Administration/Salaries

5. Town Hall | 6. Insurance

7. Recreation

8. Contingency

9. County/Elections Town

10. Reserve - Capitol |
|--|--|

EXHIBITS

1. Projected Budget for Proposed Town of Fletcher

REVENUES

EXPENDITURES

State Shared

Intangibles	<u>40,000</u>		1.	<u>240,000</u>
Beer and Wine	<u>- 0 -</u>		2.	<u>50,000</u>
Franchise	<u> </u>		3.	<u>50,000</u>
Street Aid	<u> </u>		4.	<u>77,000</u>
Local Sales	<u>185,000</u>		5.	<u>15,000</u>
Property (93% collection)	<u>282,525</u>		6.	<u>10,000</u>
Other	<u> </u>		7.	<u>25,000</u>
			8.	<u>20,000</u>
			9.	<u>5,000</u>
			10.	<u>15,525</u>
Totals	<u>507,525</u>			<u>507,525</u>

Projected property tax rate: 25 cents per \$100 assessed valuation.

You are now paying 5.5 cents Fire Tax per \$100 assessed valuation to Henderson County for Fletcher Fire and Rescue. After incorporation you will pay 5.5 cents Fire Tax to The Town of Fletcher for Fletcher Fire and Rescue. (NOT FIGURED IN BUDGET)

1 cent tax produces \$11,301.

Budget Attachment
Administration/Salaries
(Fringe Benefits for Full Time Employees)

Mayor	\$20,000.
Clerk/Tax Collector	\$14,000.
Part Time Receptionist/General Office	\$ 5,500.
Town Council (4 Council Members x \$3,600 year).	\$14,400.
Part Time Zoning Administrator.	\$ 7,000.
Town Attorney Retainer.	\$ 7,000.
Fringe Benefits/Full Time employees	\$ 8,500.

COST OF A DEPUTY II (SWORN)

FIXED COST

Salary (Less than 2 years)	15,257.00
Benefits (Benefits include: Medical and Dental insurance, retirement, social security, etc.) (25%)	3,814.00
TOTAL	19,071.00

LIEUTENANT (Five Years)

Salary	18,870.00
Benefits (25%)	4,717.00
TOTAL	23,587.00

ADDITIONAL COSTS

Vehicle	11,500.00
Vehicle Equipment (Equipment includes: Mobile and Portable radios, blue lights, siren, shield, shotgun rack etc.)	5,500.00
*Gasoline (Vehicle)	1,192.00
*Maintenance (Vehicle)	839.00
Weapons (.45 handgun and shotgun)	700.00
Training (Basic Law Enforcement Training - 14 weeks)	1,500.00
Uniforms	500.00
Liability Insurance (Per year)	575.00
TOTAL	22,306.00

*Based on vehicle acquired May 1987 to current -

TOTAL - Deputy II	41,377.00
TOTAL - Lieutenant	45,893.00

INITIAL COST	41,377.00
Equipment not purchased yearly	-17,700.00
	23,677.00

C-41-



OFFICERS

DON MICHALOVE

MAYOR

SAM MILLS

MAJOR PRO TEM

MARTHA C. BRESNAHAN

CITY CLERK AND TREASURER

COMMISSIONERS

SAM A. MILLS

FRED H. NIEHOFF JR.

PAT WHITMIRE

JOEL W. WRIGHT JR.

CITY OF HENDERSONVILLE

"The City of Four Seasons"

145 FIFTH AVENUE EAST

HENDERSONVILLE, NORTH CAROLINA 28739

October 26, 1988

To Whom It May Concern:

The City of Hendersonville owns and operates the water system located at Fletcher, Henderson County, N. C.

The City of Hendersonville purchased the water system located at Fletcher from the City of Asheville in January, 1977. A copy of the purchase agreement is attached as a matter of information. Questions regarding ownership, operation, and maintenance of the water system should be directed to this office at 704-697-3063.

Sincerely,

Tom Kilpatrick

Tom Kilpatrick, Director
Water and Sewer Department
CITY OF HENDERSONVILLE

TK:kw

C-10

RESOLUTION AUTHORIZING MAYOR TO EXECUTE SALES AGREEMENT FOR TRANSFER
OF FLETCHER WATER SYSTEM TO THE CITY OF HENDERSONVILLE

WHEREAS, the City of Asheville which has been operating the Fletcher Water System has negotiated with the City of Hendersonville for the transfer of the water system to the City of Hendersonville; and

WHEREAS, it is in the best interests of the City that the City enter into a Sales Agreement with the City of Hendersonville for the completion of said transfer; and


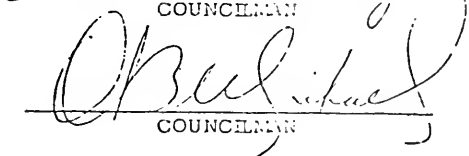
WHEREAS, a copy of said agreement is attached hereto and made a part hereof as if fully set forth herein; and

WHEREAS, it is necessary that the Mayor of the City of Asheville be authorized to execute said Sales Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

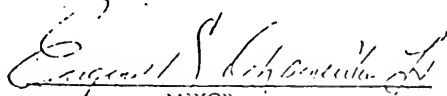
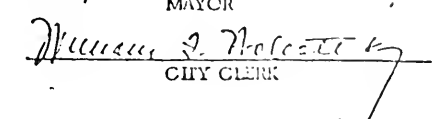
That the Mayor of the City of Asheville be and he hereby is authorized to execute, in the name of the City of Asheville, that certain contract, which is attached hereto, by and between the City of Asheville and the City of Hendersonville.

I move the adoption of the foregoing resolution.

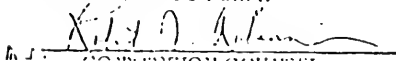

COUNCILMAN

COUNCILMAN

SECONDED BY:

Read, approved and adopted this 6th day of January, 1977.


MAYOR

CITY CLERK

APPROVED AS TO FORM:


CITY CLERK

C-11-

This Agreement, made this 27th day of January, 1977, by and between the City of Asheville and the City of Hendersonville;

Whereas, the City of Asheville has been operating the water system located at Fletcher, Henderson County, North Carolina; and

Whereas, the City of Hendersonville has extended its water system and is now able to take over and operate said Fletcher water system; and

Whereas, it is in the best interests of the water systems of both cities and the customers located in the Fletcher area that the water system be transferred by the City of Asheville to the City of Hendersonville. -

Whereas, the cities have agreed as to a value of the equipment to be transferred and have further agreed as to how payment shall be accomplished.

Now, Therefore, in consideration of the premises, it is agreed as follows:

1. The City of Asheville hereby agrees to sell and the City of Hendersonville hereby agrees to purchase all right, title and interest which the City of Asheville may have in and to the Fletcher water system, particularly the items of material as described on Exhibit A hereto attached, together with any easements and rights of way which it may own for the operation of said water system.

2. As payment for transfer of said materials the City of Hendersonville hereby agrees to pay to the City of Asheville the total sum of \$95,000, which shall be payable as follows:

\$15,000 upon execution of this sales agreement, the sum of \$40,000 on or before April 15, 1977, and the sum of \$40,000 on or before July 15, 1977.

3. The effective transfer of the water system shall take place on or before January 31, 1977 or at such time as is mutually convenient to the Water Departments of the two cities in order to as closely coincide as possible with the billing dates for the customers located within the area of the Fletcher water system.

4. All meters within the system shall remain the property of the City of Asheville and the City of Hendersonville shall take immediate action to remove all of said meters and replace them with its own meters and the City of Hendersonville shall deliver to the City of Asheville all of the City of Asheville's meters within 60 days following the effective date of this agreement.

5. This agreement shall become effective at such time as the governing bodies of the City of Asheville and the City of Hendersonville shall take formal action authorizing their respective Mayors to execute this agreement upon behalf of the respective city.

In Witness Whereof, the City of Asheville and the City of Hendersonville, by and through their respective Mayors, have hereunto subscribed this contract as of the day and year first above written.

CITY OF ASHEVILLE

By: Eugene S. Henderson
Mayor

Attest:

William J. Maestri
City Clerk

CITY OF HENDERSONVILLE

By: Royce A. Williams
Mayor

Attest:

Martha C. Brennan
City Clerk

C-13

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, Carlton A. Hall, a Notary Public of said State and County, certify that William F. Wolcott, Jr. personally came before me this day and acknowledged that he is Clerk for the Asheville City Council of the City of Asheville, County of Buncombe, and that, by authority duly given and as the act of the City, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by himself as Clerk to the Council.

Witness my hand and Notarial Seal, this 1st day of March, 1977.

My Commission Expires:

Aug. 12, 1981

Carlton A. Hall
Notary Public

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Joan E. Baker, a Notary Public of said State and County, certify that ~~William F. Wolcott, Jr.~~ personally came before me this day and acknowledged that he is Clerk for the Hendersonville City Council of the City of Hendersonville, County of Henderson, and that, by authority duly given and as the act of the City, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by himself as Clerk to the Council.

Witness my hand and Notarial Seal, this 29 day of January, 1977.

My Commission Expires:

Aug. 16, 1978

Joan E. Baker
Notary Public

PROPOSED TOWN OF FLETCHER
BOX 1084
FLETCHER NC, 28732

October 29, 1988

Louis Bisette, Mayor
City of Asheville
Asheville, N. C.

Dear Mayor Bisette:

There are water lines owned by the City of Asheville which are located on Rockwood Road, Underwood Road, and in a portion of Franem Acres Subdivision in Henderson County. These lines lie within the proposed boundaries of the Town of Fletcher if it becomes incorporated.

It is our wish to acquire these lines and switch maintenance and ownership to the City of Hendersonville who will be providing water service to the Town of Fletcher. It is imperative that the best interests of the town and county residents be served by cooperative acquisition and transfer of these lines.

We would appreciate the consideration of the City of Asheville in assisting us in acquiring these lines and look forward to hearing from you as soon as possible.

Sincerely yours,

Patricia G. Ritchie

Patricia G. Ritchie, chairperson
Proposed member of the interim governing board

Harold N. Conner

Harold N. Conner
Proposed member of the interim governing board

Byron M. Terrell

Byron M. Terrell
Proposed member of the interim governing board

John F. Parris, Sr.

John F. Parris, Sr.
Proposed member of the interim governing board

Sara S. Waechter

Sara S. Waechter
Proposed member of the interim governing board

C-13

BOARD OF COMMISSIONERS
HENDERSON COUNTY

211 SECOND AVENUE EAST
HENDERSONVILLE, N.C. 28739
PHONE 704/697-1808

WILLIAM T. DRAKE
CHAIRMAN
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS

JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS
JERRY D. MYERS

October 25, 1988

Mrs. Pat Ritchie, Chairperson
Interim Governing Board of the
Town of Fletcher
49 Wildwood Circle
Fletcher, N.C. 28732

Dear Mrs. Ritchie:

Pursuant to the N.C. General Statute 120-170, the Cane Creek Water and Sewer District provides sewer service for a portion of the Fletcher area now being considered for incorporation. The entire area being considered for incorporation will be served by the Cane Creek Water and Sewer District in the near future.

The Henderson County Board of Commissioners serves as the Governing Body of the Cane Creek Water and Sewer District and there are no plans at this time to change this arrangement.

Sincerely,



William T. Drake, Chairman
Henderson County Board of Commissioners

WTD/blh

C-16-



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
Hendersonville, NC
September 26, 1988

JAMES G. MARTIN
GOVERNOR

DIVISION OF HIGHWAYS

JAMES L. HARRINGTON
SECRETARY

GEORGE E. WELLS, P.E.
STATE HIGHWAY ADMINISTRATOR

Ms. Pat Ritchie
Box 1084
Fletcher, NC 28732

Dear Ms. Ritchie:

As you requested, this is to certify that all roads currently maintained by the North Carolina Department of Transportation that are within the proposed town limits of Fletcher, N.C., will continue to be maintained by the Department of Transportation after the proposed town of Fletcher becomes a reality.

Yours truly,

J. B. Hemphill
J. B. Hemphill
District Engineer

JBH/ng

FLETCHER FIRE AND RESCUE
Department, Inc.

A RESOLUTION confirming the position of the Fletcher Fire and Rescue Department in regards the possible annexation by the City of Asheville of parts of the Fletcher Fire Protection District and efforts of citizens to again incorporate parts of the Fletcher Fire Protection District.

WHEREAS, in 1958 the Fletcher Fire Protection District was organized under General Statute 69-25 Et. Seq.; and

WHEREAS, in 1969 the Fletcher Fire and Rescue Department did in fact enter into contract with the Town of Fletcher to provide fire protection and the Chief being sworn in as an official of Town of Fletcher; and

WHEREAS, the Town of Fletcher was enjoined by a court of law in 1970 with plaintiffs being citizens of said town to no longer do business as an incorporated entity and the Municipal Board of Control was given legislative authority to oversee the dispensation of funds in the town treasury and the Fletcher Fire and Rescue Department did not recieve any of said funds; and

WHEREAS, should the City of Asheville decide to annex portions of the Fletcher Fire Protection District the level of fire and rescue activities will decrease and the Fletcher Fire and Rescue Department will receive irreparable harm; and

WHEREAS, the citizens of Fletcher again are working towards incorporating the area with boundaries to be established at a later date.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Fletcher Fire and Rescue Department as follows:

1. The Fletcher Fire and Rescue Department will take an active stand against any and all efforts of the City of Asheville to annex portions of the Fletcher Fire Protection District.
2. The Fletcher Fire and Rescue Department will actively support any and all endeavors of the citizens of Fletcher to again incorporate as the Town of Fletcher.

ADOPTED this 22 day of AUGUST, 1988.

Board of Directors
of the Fletcher Fire and
Rescue Department, Inc.

Samuel H. Taylor, Jr.
Vice President

Michael W. Mcnemis
Attest: Secretary

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1. Population of the proposed Town of Fletcher: 3273
2. Area of the proposed town: 3067.06 acres (palimentering by NRCD from Henderson County orthographic maps)
3.083 acres (digitizing from computer by Hampton-Hintz and Associates, Inc.)
3. Population density (per acre): 1.06
4. Assessed valuation : \$121,525,393
(Petitions circulated among residents living within the proposed town boundaries reflect a better than two-to-one preference for a town budget based on a tax rate of 25 cents per \$100 valuation.)
5. Development and land use, in acres:

Residential	722.25
Commercial	115.84
Industrial	440.36
Institutional	38.60
Governmental	187.29
Dedicated Open Space	-0-
Total	1504.34

Total of above as percent of total area: 49.04 % (40% required)

Source of above information: NRCD, Hampton-Hintz and Associates, Inc., Henderson County Land Records Office, Henderson County Tax Office, Fletcher Improvement Committee.

E. Attachment 4.
(G.S. 120-163(c))

This is to certify that the proposed Town of Fletcher has an approximate assessed valuation of \$121,525,393. The approximate real property value of \$86,107,277 was ascertained from the computer printouts of the Henderson County Land Records office. The approximate personal property tax was ascertained from the Henderson County Tax scrolls by pulling the records to match the real property on the computer printouts of the Land Records office of Henderson County.

Terry Lyda

Terry Lyda
Henderson County Tax Collector

Subscribed to the 6th day of September, 1989.

My Comm. expires on Aug 17, 1992

Alvin P. Sykes

P. O. Box 1337
Henderson, Mo. N. C. 28793

TOTAL ACREAGE

<u>Type</u>	<u>Acreage</u>	<u>Percent of Total</u>
Residential	722.25	23.54
Commercial	115.84	3.77
Industrial	440.36	14.35
Institutional	38.60	1.25
Government	187.29	6.10
Vacant	<u>1562.72</u>	50.95
Total	3067.06	

Percent Developed = 49.04

Percent Vacant = 50.95

Total Developed = 1504.34 acres

Total Vacant = 1562.72 acres

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F. Interim Governing Board
(G.S. 120-163(c))

[names, addresses and phone numbers for five persons.]

Patricia G. Ritchie, Chairperson
49 Wildwood Circle
Fletcher NC, 28732
(704) 687-0558 Home

Harold N. Conner
Hoopers Creek area
PO Box 1416
Fletcher NC, 28732
(704) 684-5044 Home

Byron M. Terrell
64 Wildwood Circle
Fletcher, NC 28732
(704) 687-0941 Home

John F. Parris, Sr.
US 25 area
PO Box 545
Fletcher NC, 28732
(704) 684-6533 Home

Sara S. Waechter
Route 2 Box 431
Fletcher NC, 28732
(704) 684-2075

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G. Notification and Publication
(G.S. 120-164)

We, the undersigned proposed members of the interim governing board for the proposed Town of Fletcher, certify that the notification requirements of G.S. 120-164 have been met by delivering letters of notification to the following:

1. The chairman of the Henderson County board of Commissioners

on 9-6-88. Signed by: William T. Drake

2. To the mayors of all the municipalities in Henderson County and of other municipalities within five miles of the proposed town:

Hendersonville on 9-8-88. Signed by: Don Michael

Laurel Park on 9-30-88. Signed by: David J. Schatz

Saluda on 10-15-88. Signed by: William H. Price

Asheville on 9-20-88. Signed by: John B. Bissett

Biltmore Forest on 10/11/88. Signed by: Don Goff

We also certify that a notice of our intent to present this petition to the Commission was published as required by G.S. 120-164 in the Hendersonville Times News. Proof of publication from the Hendersonville Times News is attached to this petition.

Date 10/20/88 Signed: Patricia G. Ritchie

Date 10/20/88 Signed: Byron M. Terrell

Date 10/20/88 Signed: Ronald A. Conner

Date 10/20/88 Signed: John G. Parrie Jr

Date 10/20/88 Signed: Sara S. Waechter

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Paul Brewster

_____, who
being first duly sworn, deposes and says: that he is

Publisher

of Hendersonville Newspaper Corporation, engaged in the publication of a newspaper known as The Times-News, published, issued, and entered as second class mail in the City of Hendersonville, in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice of other legal advertisement, a true copy of which is attached hereto, was published in The Times-News on the following dates:

10/15, 22, /88

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 27 day of October, 1988

(SIGNED)

Paul Brewster

Sworn to and subscribed before me, this 27

day of October, 1988

Joe Blackwell cox

Notary Public

My commission expires: 6-9-93

C-24-

NOTICE OF
PROPOSED
INCORPORATION
OF THE CITY
OF FLETCHER, N.C.
STATE OF
NORTH CAROLINA
COUNTY OF

HENDERSON
TO Board of Commissioners for Henderson County and Buncombe County, North Carolina, and all cities in Henderson County and Buncombe County, N.C.

[illegible]

(24/87) 10.15, 22

[illegible]

H. Population and Nearness of Other Municipalities
within Five Miles of the Proposed
Town of Fletcher
(G.S. 120-166)

Town	1980 Census Population	Distances of Nearest Boundry to that of Proposed Town
Asheville	<u>53,583</u>	<u>2.035</u> miles
Biltmore Forest	<u>1,499</u>	<u>Not applicable</u> miles

I. Resolutions of Approval by Nearby Municipalities
(G.S. 120-166)

(Attach if required by G.S. 120-166(a) and (b) (3).
(Statement that each declined to approve if that is the case.)

The City of Asheville declined to approve. See certified copy of minutes attached.

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Tuesday - September 20, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Kenneth M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, and Russell Martin; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter Boland

INVOCATION

The invocation was given by Councilman Mary Lloyd Frank.

APPROVAL OF MINUTES - SEPTEMBER 13, 1988 MEETING

Mayor Bisette announced the approval of the minutes of the September 13, 1988 meeting as submitted.

I. PROCLAMATIONS:

- A. Proclamation - September 22, 1988 - "American Business Women's Day."

Mayor Bisette proclaimed September 22, 1988 as "American Business Women's Day". Councilman Martin will be delivering the proclamation to the annual dinner of the local chapter of the American Business Women's Association.

- B. Proclamation - September 17-23, 1988 - "Constitution Week"

Mayor Bisette read the proclamation and presented a copy to Frances McDowell with the Edward Buncombe Chapter of the Daughters of the American Revolution.

- C. Proclamation - October 10-14, 1988 - "Court Observance Week"

Mayor Bisette read the proclamation and presented a copy to Carol Howell.

II. PUBLIC HEARINGS:

- A. Public hearing relative to an ordinance establishing the Thomas Wolfe Memorial as historic property. (Joint hearing with Historic Resources Commission)

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Ordinance No. 1708 - An Ordinance designating property known as the "Thomas Wolfe Memorial" on Spruce Street and the adjoining lot on N. Market Street together as a local historic property

Mayor Bissette said plans for a Thomas Wolfe visitors center will be developed later this year and designation will give the City a review authority highly desirable considering the recent history of the project. He said a joint public hearing is required by the Historic Resources Commission of Asheville and Buncombe County and the Asheville City Council.

Mayor Bissette opened the public hearing at 4:24 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Doug Swaim, Director of the Historic Resources Commission, introduced the members of the Historic Resources Commission in attendance and announced that a quorum of the Commission is present. He said the Historic Resources Commission recently surveyed the stock of local historic buildings they would like designated as historic properties. He said one of the top priorities of the Commission is the Thomas Wolfe Memorial due to the proposed development of the Visitors Center. He said the Historic Resources Commission unanimously endorses the designation of the Thomas Wolfe Memorial as historic property.

Upon inquiry of Councilman Martin, Mr. Swaim said the existing building on the adjoining lot is not included as part of the designation of historic property.

Bill McCray, with the Division of Archives and History, requested that Section 4 (2) (d) of the ordinance be changed to reflect that there are no brick sidewalks but it is a brick driveway-suggested that Council strike the word sidewalk and insert the word driveway. He also suggested that the plaque stating the local designation be incorporated with the national designation plaque and that these plaques be in the Visitors Center rather than on the grounds of the property.

Mayor Bissette closed the public hearing at 4:29 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance No. 1708 with the word sidewalk being changed to driveway in Section 4 (2) (d) of the ordinance. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1708 passed on first reading.

Mayor Bisette said members of Council would probably agree that the Visitors Center would be the most appropriate location for the plaques.

Vice-Mayor Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1708. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1708 passed on second reading.

After discussion, Vice-Mayor Michalove moved to suspend the rules and proceed to the third reading of Ordinance No. 1708. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1708 passed on third and final reading.

Ordinance Book No. 11 Page No. 307-311

- B. Public hearing relative to an ordinance establishing the City Hall Building as historic property. (Joint hearing with Historic Resources Commission)

Ordinance No. 1709 - An Ordinance designating a building and property known as "Asheville City Building" located at City-County Plaza as a local historic property

Mayor Bisette said plans for a major rehabilitation of the City Building are now being drafted. The Historic Resources Commission Director is already been given ample opportunity to express preservation concerns and sees no major problems with the direction of the project; however, the more formalized review designation would be more desirable and appropriate - the City setting an example with this most significant building. He said a joint public hearing is required by the

C-30-

Historic Resources Commission of Asheville and Buncombe County and the Asheville City Council.

Mayor Bisette opened the public hearing at 4:35 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Doug Swaim, Director of the Historic Resources Commission, announced that a quorum of the Historic Resources Commission is present. He said the Asheville City Building was designed especially for the mountain city of Asheville by architect Douglas Ellington, Asheville's Art Deco master and stands as a magnificent symbol of the development boom of the 1920s, when fabulous civic projects were undertaken in the "Program of Progress. He said this designation would give the Historic Resources Commission an opportunity to express preservation concerns in planned renovations and presently sees no major problems with the direction of the project.

Ralph Bishop said he was opposed to this Council or future Councils giving up their rights to regulate city owned property.

Councilman Price said she would like to see the elevators remain as they are currently but at some future date someone might want to change them to electric elevators. She asked how this decision might be affected by the proposed ordinance.

Doug Swaim said the City would go through the same application process that any individual goes through for the Historic Resources Commission to consider a change. He said a solution to any request can be negotiated but the end result is that no building permit is issued unless it is approved by the Historic Resources Commission.

Mayor Bisette closed the public hearing at 4:48 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1709. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1709 passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1709. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1709 passed on second reading.

- C. Public hearing relative to an ordinance zoning Oteen property annexed into the City Limits August 31, 1988.

Ordinance No. 1710- An Ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, zoning of Oteen Property annexed into City Limit August 31, 1988.

Mayor Bissette said the Asheville Planning and Zoning Commission on August 17, 1988 reviewed and recommended zoning for the Oteen Property which was annexed into the City Limits on August 31, 1988.

Mayor Bissette opened the public hearing at 4:50 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, from the Planning Department, said state statute requires that property annexed into the City be zoned. He said this particular area in question was previously zoned under the extra territorial zoning jurisdiction. He said the proposed zoning is principally as it was originally zoned. He presented certifications of notification to property owners in the area of the proposed zoning. He said all requirements for notification have been satisfied. He outlined the recommended zoning stating that the zoning accommodates all entities in place at present. He also said the recommended zoning would provide that no property will be a non-conforming use and is as recommended by the 2010 plan.

At the request of Councilman Price, Council requested that the Planning Staff review a possible change to the Heavy Industrial classification. It was suggested that perhaps the Heavy Industrial zone could be changed to Light Industrial to allow for safety in the area since many motels are located in the vicinity.

Edward Pearce asked for a clarification on the tax bill computations recently received by residents in the area.

The City Manager explained the computations stating that the residents are paying 10/12ths of a year on their current billing since the City and County taxes are based on a fiscal year of July 1st to June 30th. He said all cities and towns in North Carolina collect their taxes in the same manner.

Mayor Bisette closed the public hearing at 5:08 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1710. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 6-0, Ordinance No. 1710 passed on first reading.

Vice-Mayor Michalove requested that the Planning Staff look at the feasibility of changing the Heavy Industrial classification to a Light Industrial classification.

III. OLD BUSINESS:

- A. Third reading of Ordinance revising the Motor Vehicle Registration Tax - City Stickers.

Mayor Bisette said the third reading of this ordinance would be postponed until another meeting.

IV. NEW BUSINESS:

- A. Report on the proposed incorporation of Fletcher.

The City Manager outlined the following report:

SUBJECT: Report on Corporation of Fletcher Community

The City Council has been asked by representatives of the Fletcher Community to adopt a resolution that supports the incorporation of their community. The following report is intend to provide you with information that will help you in your deliberations.

LOCATION

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The Asheville City limit line effective August 31, 1988 is approximately two miles from the Fletcher Community which is identified for incorporation. Also there is an area that is under study for annexation by the staff that would, if approved, leave the Asheville City limit line approximately 1.2 miles from the proposed incorporation.

On June 2, 1987 the Asheville City Council adopted a map entitled "Area Under Consideration for Annexation" which includes the remaining area in Buncombe County to the Henderson County line. The North Carolina General Statutes state that the map shall remain in effect for two years after adoption. In June of 1989 the City may want to reconsider a map which shows other areas under consideration as part of our continuing annexation study. It does not appear that all of the areas that we have identified to be annexed will be annexed in the time period designated and I would foresee only minor changes to the existing map at that time. At the present time there have been no studies to incorporate past this boundary.

The proposed Fletcher incorporation boundary would also touch upon the existing City limits at the Airport. In essence, should this area be incorporated it could be contiguous to a proposed future City limit line on its northern boundary and a portion of its western boundary would be adjacent to the existing limits at the Asheville Airport.

METHODS OF INCORPORATION

The City of Asheville has been asked to adopt a resolution supporting the incorporation of Fletcher. This approval is needed in accordance with the North Carolina Constitution and General Statutes. Absent this approval by the City of Asheville an incorporation would have to be approved by a 3/5 majority of the General Assembly. An excerpt from the 1980 Joint Annexation Study Commission that was created by the North Carolina Association of County Commissioners and the North Carolina League of Municipalities speaks to this point "by both Constitution and Statute North Carolina has appropriately given preference to expanding cities as opposed to creating new ones. Both discourage incorporating new cities and towns near existing ones. Except by 3/5 majority, the General Assembly may not incorporate a new city closer than one mile to an existing city of 5000 - 10,000 population, within three miles of one with 10,000 - 25,000 population, within four miles of one with 25,000 - 50,000 population, and within five miles of one with over 50,000 population."

HISTORY OF ANNEXATION

The annexation law that is currently in effect throughout North Carolina is basically the same law that was adopted in 1959 with some revisions. It has been the policy of the state of North Carolina to allow for the orderly growth of municipalities since

that time. Annexations basically take place for the same reason that cities are formed in the first place, that being to provide local governmental services to citizens in areas that are urbanely developed. It has been said that that which is urban should be municipal. Numerous studies have stated the desirability of annexing urban areas as opposed to the creation of overlapping service districts or the creating of a number of smaller incorporated areas in a major urban environment. The law has been tested in a number of court cases and has with stood the scrutiny of numerous study commissions established by the General Assembly since 1959.

HISTORY OF INCORPORATION

The 1980 joint study commission speaks to the rational behind the state policy that annexations within an urban area are preferable to separate incorporations when it started "under these circumstances extending present city boundaries to include adjacent urbanizing territory is a logical approach to providing an area with local governmental services. Efficiency and economy, dictate this approach be taken. A recognition at the states separate urban areas are almost uniformly a single social and economic unit suggests annexation in preference to other possible approaches".

The report goes on to site the example of growth in the City of Raleigh. "One has only to consider an alternative to illustrate the desirability of encouraging annexation as a state policy in most cases. In 1900 Raleigh's population was about 13,600. Today it is estimated at about 160,000. If Raleigh's boundaries had not been expanded over this period and the surrounding area had grown as it has, Raleigh could be encircled today with 12 cities equal to its 1900 size. Or by 15 cities of Garner's current size or with an even larger number of overlapping special districts. It is difficult to image that the citizens of the area would be better served by such a large number of governments than they are by a single city. But in the absence of annexation by Raleigh, some alternate arrangement would have been necessary."

The joint commission concludes on the subject of incorporation by stating "the state's policy of encouraging annexation - which means enlarging the existing water plant rather than building a new one, or enlarging an existing police force rather than creating a new one - seems clearly in the best interest of all citizens when done with the safeguards that are built into North Carolinas annexation statutes."

ASHEVILLE BUNCOMBE LOCAL GOVERNMENT STUDY COMMISSION

On January 12, 1977 a report of the Asheville Buncombe local government study commission was presented. This report which was the result of a 15 month process involving a number of citizens dealt with how services should be provided to all citizens in

Buncombe County. The commission concluded that in the area of annexation "where areas are adjacent to the City of Asheville or the five smaller towns and are urbanely developed as defined by the annexation statutes or where the property owners submit petitions, the commission recommends that the areas be annexed as a means of providing these areas with the needed municipal type services."

The commission goes on to make a recommendation on new incorporations when it states "the commission recommends that no new incorporations take place within five miles of the City of Asheville's boundaries, the limitation now provided by law. The only possible exception to this rule is the Swannanoa Community, most of which is over five miles from Asheville's boundary". Therefore, it is obvious that the commission found that the general policy of the state of North Carolina should also apply to the Buncombe County area.

CONSIDERATIONS WHEN ANNEXING ACROSS A COUNTY LINE

As it was previously stated, at this point in time the City staff has not undertaken any studies involving the annexation of areas outside Buncombe County. We, therefore, have not done an exhaustive amount of research that would give the pros and cons of an annexation that would cross a county boundary.

Obviously, this type of an annexation would have many inherent problems which may or may not make an annexation of this manner attractive to the City of Asheville. As it was previously pointed out, this area is in a different judicial district and legislative district. Certainly there could be some cause for confusion among residents. There could also be a problem with overlapping school districts and tax districts. All of these overlapping districts would definitely cause operating concerns for the City of Asheville. However, one must keep in mind that at the present time there are also overlapping districts such as school districts that overlap the city boundaries, fire districts and sanitary districts that also may overlap each other all of which create some operating concerns for residents.

At the present time, there is not a prohibition of cities crossing county lines, in fact the following cities have been identified as being located in more than one County:

Battleboro	Blowing Rock
Elkin	Durham
High Point	Gibsonville
Mebane	Hickory
Chapel Hill	Kannapolis
Griffon	Longview
Kenley	Mount Olive
Rocky Mount	Sharpsburg

SUMMARY

C-36-

For many years the state of North Carolina has said that it is important that as an area becomes urban in nature that it should be provided with municipal like services. There are a number of mechanisms for providing those services, such as:

- 1) A service district can be established if specific services are desired.
- 2) The State has said that if an area is outside of a currently incorporated and urbanized area that incorporation of a city is most appropriate.
- 3) The State has adopted as its policy that if an area develops in an urban manner as defined by the General Statutes, and if it is within close proximity to a larger urban area, then services should be provided through annexation.

The issue of crossing a county line in order to provide services to the town of Fletcher certainly adds additional considerations to any decision that the City Council of Asheville would have to make at this point in time. It is clear that if this area is in need of services that it is the policy of the State of North Carolina that a mechanism be chosen to provide those services. It is clear, however, that it is not the policy of the State of North Carolina to allow for an incorporation of any urbanized area for the reason of blocking the orderly growth of an incorporated urban area.

The Industrial development of the old Asheville/Hendersonville Airport property, the development of the Asheville Regional Airport, the extension of water lines by the City of Asheville, and the extension of sewer lines by MSD have contributed to the growth of this area. Fletcher most likely needs services. The question that needs to be answered is how can these services best be provided in the context of the urban area.

Pat Richie, Chairperson for residents of Fletcher who want to incorporate, said they are required by statute to notify Councils within five miles of an area seeking incorporation. She presented Mayor Bissette with the notification and asked that he sign that Council had received the notification that the Town of Fletcher intends to seek incorporation. She said this request would be presented to the 1989 General Assembly. She said during a recent meeting of the residents of the Fletcher Community, about 200 in attendance, it was the consensus of all attending that they wanted Fletcher to be incorporated. She said the residents are willing to be taxed for their services. She commented on a recent statement that people in Fletcher use Asheville and are not contributing to Asheville, stating that Fletcher is a large industrial area and the majority of the employees in these industries are not residents of Fletcher. She said as far as Council sending out "bad signals" to surrounding communities, the Fletcher community is in an entirely different county - Henderson County - and a different judicial district.

C-37-

She said for these reasons and others the Town of Fletcher wishes to incorporate. She requested that Council approve a resolution supporting the incorporation of the Town of Fletcher pursuant to General Statute 120-166 (b) (3).

Vice-Mayor Michalove said in his opinion it would be in the best interests of both counties not to have another incorporated area. He said there are other options - such as special tax districts - preferable to incorporation to provide the Fletcher residents with the services they desire. He said officials are looking toward not creating more government but less government.

Vice-Mayor Michalove then moved to deny the request to adopt a resolution supporting the incorporation of the Town of Fletcher. This motion was seconded by Councilman Frank.

The City Attorney said the Statutory Commission can not make a positive recommendation on the request for incorporation if certain factors do not exist. He said if City Council does not adopt a resolution supporting the incorporation the General Assembly would have to have an affirmative vote of 3/5th to pass the request.

Councilman Bratton said she did not feel comfortable voting against the request because annexation of Fletcher by a future Council would disrupt school districts within the two counties.

Councilman Martin said there are no immediate plans to annex Fletcher. He said, however, the City of Asheville has a rather large investment in the Fletcher community with the Airport and water and sewer lines. He said State law favors less government rather than more government. He said all factors need to be weighed with the future in mind.

Councilman Frank said she feels Council is committed to the citizens of Asheville and more facts need to be determined prior to deciding whether to annex Fletcher in the future.

Councilman Price agreed with Councilman Frank. She said she would rather take no action but since Fletcher has asked then Council must take some action.

Mayor Bissette said he would not be in favor of annexing into another County and therefore, he would be voting against Vice-Mayor Michalove's motion.

Ralph Bishop spoke in opposition to Asheville annexing the Town of Fletcher.

Vice-Mayor Michalove's motion passed on a voice vote of 4-2, with Mayor Bissette and Councilman Bratton voting "no."

- B. Ordinance No. 1711 - Budget Ordinance amendment allocating CDBG funds for the current year.

Mayor Bissette said the City has recently received its letter of credit from HUD for \$997,000 in CDBG funds for the current year program. The allocation of these funds were approved by City Council on May 24, 1988 in Resolution No. 88-83. This ordinance will appropriate the funds into the budget.

Vice-Mayor Michalove moved for the adoption of Ordinance No. 1711. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1711 passed on first and final reading.

Ordinance Book No. 11 Page No. 317

- C. Ordinance No. 1712 - Budget ordinance amendment to provide funds for staff car for long-distance travel.

Mayor Bissette said the City Motor Pool requires an additional reliable staff car for long distance travel. Money originally appropriated for inspector vehicles is better used for the City-wide Motor Pool.

Councilman Martin moved for the adoption of Ordinance No. 1712. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 6-0, Ordinance No. 1712 passed on first and final reading.

Ordinance Book No. 11 Page No. 318

- E. Sign permit for off-premises advertising sign at 535 Tunnel Road.

Mayor Bissette said Holland Outdoor Advertising Company has requested a sign permit to erect an off-premises advertising sign 14' x 48' at 535 Tunnel Road. This sign permit requires Council approval since it will be situated closer than 600' from a limited access highway.

Patty Tallerday, Acting Director of Planning, said the Zoning Ordinance requires approval of Council since the sign will be situated closer than 600' from a limited access highway. She said the sign will be within 600' of I-240 and is located close to Poncho's Restaurant on Tunnel Road. She said the sign will be 672 square feet per face and the sign meets all the criteria of the existing sign ordinance. She said the sign would fall under the amortization schedule of the proposed new sign

ordinance. She showed a video of the location of the proposed sign.

Attorney Gary Rowe, representing Holland Outdoor Advertising Company, said his client was granted a permit to proceed with the installation of the sign; entered into a contract with The Mann Company for the lease of the property; and expended funds for the installation of the sign prior to receiving a call to stop the installation since it would be within 600' of a limited access highway and would require the approval of Council. He presented a copy of the permit and showed pictures of the location of the proposed sign. He said his client has expended 90% of the \$50,000 cost for the sign. He said his client complied with all city regulations. He said his client should be allowed to proceed with the installation of the sign.

After discussion, Vice-Mayor Michalove moved to table action on the sign permit request until next week giving the City Attorney an opportunity to research the request. This motion was seconded by Councilman Price and carried unanimously.

F. Approval of final plat - Silverstone Subdivision - end of New Haw Creek Road.

Mayor Bisette said the Asheville Planning and Zoning Commission on November 11, 1987, reviewed and approved the preliminary subdivision plat subject to: 1) Board of Adjustment granting a variance on required front footage on Lots 11 and 12; and 2) Letter of approval from Water and Sewer Department on adequacy of water. These contingencies have been complied with and the final plat is submitted for approval.

Patty Tallerday, Acting Director of Planning, said all the conditions outlined by the Planning and Zoning Commission have been complied with. She showed a video of the proposed subdivision.

Al Pearce, developer, said the roads would be constructed to North Carolina Department of Transportation standards.

Vice-Mayor Michalove moved to approve the final plat of the Silverstone Subdivision. This motion was seconded by Councilman Martin and carried unanimously.

V. CONSENT:

- A. Resolution No. 88-142 - Resolution authorizing the City Manager to transfer personal property intergovernmentally.

C-40 -

SUMMARY: The Print Shop would like to transfer a lettering machine to the Buncombe County Library System. The Print Shop no longer needs this machine for lettering purposes.

Resolution Book No. 17 Page No. 234

B. Sale of Disposal Parcel 159 in the East End/Valley Street Community Improvement Program.

SUMMARY: The Housing Authority has tentatively accepted a bid for Disposal Parcel 159 in the East End/Valley Street Community Improvement Program from Mr. and Mrs. Kirklen Evans in the amount of \$6,700 to be used for residential purposes. Parcel 159 is located on Lincoln Street. Mr. and Mrs. Evans are being displaced from their home at 46 Martin Luther King, Jr. Drive. They propose to build a new home approximately 1,200 sq.ft. with 3 bedrooms, 2 baths on Disposal Parcel 159. The Evans will be eligible for the "Dollar lot" subsidy.

C. Bids for Bulk Sodium Chloride (Rock Salt) for snow and ice control.

SUMMARY: Estimated requirement of 600 tons of bulk sodium chloride for snow and ice control for the winter of 1988-89 is recommended to the low bidder, Dometar Industries, Inc., Schiller Park, Illinois, in the amount of \$21,960.00.

Upon motion of Councilman Frank, seconded by Councilman Price, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

REPORT - ASHEVILLE MALL EXPANSION PROJECT

The City Manager said a response has been received from Richard L. Coleman, Jr. relative to the City's letter to him dated August 30, 1988. He said a report would be given to members of Council in the near future. He also reported that the owners, developers, residents of White Pine Drive, and city staff had their first meeting to come up with solutions to problems involving the Asheville Mall Expansion Project.

COUNCILMAN FRANK - BOARD OF DIRECTORS - LEAGUE OF MUNICIPALITIES

Vice-Mayor Michalove moved that a letter be written recommending Councilman Mary Lloyd Frank to the Board of Directors of the North Carolina League of Municipalities. This motion was seconded by Councilman Price and carried unanimously.

RECOGNITION TO BARBARA BLAKE - NEWS REPORTER FOR ASHEVILLE
CITIZEN-TIMES PUBLISHING COMPANY

Mayor Bisette commended Barbara Blake on receiving a national award for an article written on the Vietnam Memorial.

STAN KANUPE - 39 CAMPGROUND ROAD - COMPLAINT

Stan Kanupe of 39 Campground Road spoke to Council relative to individuals at 32 Campground Road having a used car business with junk cars and having large commercial trucks parked in the area.

Patty Tallerday, Acting Director of Planning, said the complaint was investigated and she showed members of Council a video of the location in question. She said it was determined that there is no car dealership in the area. She said a building that was moved on the property had writing on it relative to car sales but the owner has agreed to paint the building. She said there is one overgrown lot in the area to be cleared. She said there is no clear definition of parking of commercial trucks on one's property.

The City Manager said the staff would look into the legality of parking commercial trucks in a residential area.

COUNCILMAN MARTIN - CLEANING UP OF RIVERSIDE DRIVE

Councilman Martin asked that the city staff look into the possibility of screening the junk dealer's property on Riverside Drive. He said Riverside Drive needs to look better and cleaner.

The City Manager said the staff would look into this request and have a report for members of Council.

CLAIMS - MAXINE BLACKWELL (STREETS) - CARL REID (POLICE) - MARY
JOHNSON (WATER) - MADGE BURLESON (SEWER)

The City Manager said the City received claims received from Maxine Blackwell, Carl Reid, Mary Johnson, and Madge Burleson.

Mayor Bisette referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO INSTITUTE OF GOVERNMENT

C-42

Ralph Bishop again asked the City Attorney by what authority the Institute of Government has to interpret state laws.

The City Attorney responded that he had furnished Mr. Bishop with all the information available relative to the Institute of Government.

ADJOURNMENT

Mayor Bissette adjourned the meeting at 6:40 p.m.

MAYOR

CITY CLERK

C-43-

CERTIFICATE

I, WILLIAM F. WOLCOTT, JR., City Clerk of the City of Asheville do hereby certify that the attached is a true and accurate copy of

the minutes of the Asheville City Council held on
September 20, 1988.

William F. Wolcott Jr.
City Clerk

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, Carol S. Henaley, a Notary Public of the aforesaid County and State do hereby acknowledge that William F. Wolcott, Jr., City Clerk, personally appeared before me this day and acknowledged the due execution by him of the foregoing certificate.

WITNESS my hand and notarial seal, this 18th day of

October, 1988.

Carol S. Henaley

My Commission Expires:

12/13/91

BOARD OF COMMISSIONERS
HENDERSON COUNTY

211 SECOND AVENUE EAST
HENDERSONVILLE, N.C. 28739
PHONE 704 697 4808

WILLIAM T. DRAKE
CHAIRMAN
TROY L. MAYBIN
F. RICHARD BAKER
WILLIAM C. PARKER, JR.
HUGH D. RANDALL

JERRY D. MYERS
COUNTY ADMINISTRATOR
BETTY L. HYDER
CLERK TO THE BOARD

September 22, 1988

Mrs. Pat Ritchie, President
Fletcher Community Improvement Committee
49 Wildwood Circle
Fletcher, N.C. 28732

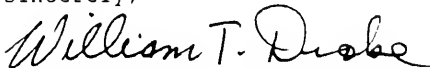
Dear Mrs. Ritchie:

At the regular meeting of the Henderson County Board of Commissioners on September 4, 1988, a request was made by the Fletcher Community Improvement Committee for a letter of support concerning their efforts to incorporate the Town of Fletcher.

Several members of the Board of County Commissioners have attended meetings in the Fletcher area during the past weeks in order to hear what the residents of this area think about incorporation. These members reported to the Board that the overwhelming majority of the residents who attended these meetings are in favor of incorporating the Town of Fletcher.

Based on information presented at our meeting on September 4 and September 21, 1988 and on information gathered from attending meetings in the Fletcher area, the Henderson County Board of Commissioners voted unanimously to go on record supporting the efforts of the residents of the Fletcher area to incorporate the Town of Fletcher, N.C.

Sincerely,



William T. Drake, Chairman
Henderson County Board of Commissioners

WTD/blh

C-45-

RESOLUTION REQUESTING LOCAL LEGISLATIVE DELEGATION TO
SUPPORT INCORPORATION OF FLETCHER COMMUNITY

- WHEREAS, citizens and residents of the community of Fletcher in Northern Henderson County have appeared before this board and requested that the Buncombe County Board of Commissioners endorse and support their endeavors to incorporate their community as the Town of Fletcher; and
- WHEREAS, this Board feels that the wishes and desires of the citizens and residents of this growing community which has industrial, retail, commercial, and residential taxpayers should be respected in order that the citizens and residents of said community might plan to efficiently provide the needed public services and orderly growth in the area; and
- WHEREAS, this Board has been advised that there have been a number of meetings concerning the proposed incorporation of Fletcher and that members of the Henderson County Board of commissioners have attended said meetings and those commissioners have reported to the Henderson County Board of Commissioners that the overwhelming majority of the Fletcher residents who have attended said meetings are in favor of incorporating the area into the Town of Fletcher; and
- WHEREAS, this Board strongly believes in the right of self-determination and the right of interested citizens to form rural fire protection districts, service districts, water and sewer districts as well as the right of interested citizens and taxpayers to become a town if a majority of the affected citizens and taxpayers are so inclined to provide better and more efficient services to their community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That this Board does hereby endorse and support the endeavors and efforts of the residents of the Fletcher Community to incorporate the Town of Fletcher, North Carolina.
2. That copies of this resolution be forwarded to all members of the local legislative delegation and to Senators Thomas and Hipps of the 29th Senatorial District and Representative Larry Justus of the 50th House District requesting said legislators to favorably consider and introduce and support appropriate legislation to incorporate the Town of Fletcher.
3. That a copy of this resolution also be forwarded to the City of Asheville respectfully requesting the City Council to reconsider this matter and to support the efforts and requests of the citizens of Fletcher to incorporate and govern themselves in accordance with North Carolina laws.

4. That this resolution shall be effective upon its adoption.

ADOPTED this the 11th day of October, 1988.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes
KATHY HUGHES, CLERK

BY: R. Curtis Ratcliff
R. CURTIS RATCLIFF, CHAIRMAN

APPROVED AS TO FORM

Keith S. Snyder
KEITH S. SNYDER, COUNTY ATTORNEY

TOTAL ACREAGE

Map #	Residential	Commercial	Industrial	Institutional	Government (Roads)		Vacant	TOTAL
					Public	Private		
9653.15	71.18	18.28	0	15.14	10.97	.87	24.13	140.57
9642 &								
9643.04	111.19	19.43	0	0	22.05	4.46	66.93	224.06
9652.01	30.58	0	119.17	0	.68	.71	333.49	484.63
9653.03	156.40	1.00	0	1.93	30.76	6.56	312.09	508.74
9653.19	96.82	10.98	0	8.06	11.48	1.95	17.14	146.43
9652.02	16.44	37.55	0	1.20	19.02	3.11	243.62	320.94
9653.20	35.68	6.68	39.12	9.03	14.59	.42	102.22	208.74
9653.16	49.26	5.50	7.57	3.24	12.44	.48	65.19	143.65
9662	0	0	0	0	1.65	0	159.13	60.75
9663	21.13	16.42	274.50	0	18.03	0	275.06	605.11
9663.04	132.57	0	0	0	18.75	8.31	63.72	223.35
	722.25	115.84	440.36	38.60	160.42	26.87	1562.72	3067.06

841

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APPENDIX D

A PETITION TO THE JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATION
for
THE INCORPORATION OF THE COMMUNITY OF
WOLF LAUREL, NORTH CAROLINA

submitted by
THE INTERIM VILLAGE COUNCIL
John Baggett
Raymond Burrows
Robert Feasel
November 4, 1988

A. PETITION TO THE JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATION
for
THE INCORPORATION OF THE COMMUNITY OF
WOLF LAUREL, NORTH CAROLINA

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Presented to the Commission on November 11, 1988

D-1

A. PETITION

BEFORE THE;
Joint Legislative Commission on Municipal Inc.
100 Legislative Office Building
Raleigh, N.C. 27611-9184

Attached are the following cetified signatures;

	YANCEY CTY.	MADISON CTY.	PROPOSED W.L. VILLAGE
Registered voters	15	40	55
Registered voters who signed petition	10	33	43
Percent of current registered voters who signed Petition	66.67%	82.50%	78.18%

PETITION

BEFORE THE:

Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
FEASEL, ROBERT C.	<i>Robert C. Feasel</i>	171 UNAKITE LN.	YANCEY
Feasel, Mildred R.	<i>Mildred R. Feasel</i>	171 Unakite Ln.	Yancey
CRITCHER, JOHN C.	<i>John C. Critcher</i>	85 FLARE ADOLESCENCE	YANCEY
CRITCHER, JOAN J.	<i>Joan J. Critcher</i>	85 FLARE ADOLESCENCE	YANCEY
WARD, WILLIAM M.	<i>William M. Ward</i>	14 TRILLIUM LANE	YANCEY
WARD, SHANNON N.	<i>Shannon N. Ward</i>	14 Trillium Lane (unlabeled)	Yancey
Ward, Dianne H.	<i>Dianne H. Ward</i>	14 Trillium Lane	Yancey
BAGGETT, JERRY E.	<i>Jerry E. Baggett</i>	67 Mayapple Ln.	YANCEY
BAGGETT, MARGARET S.	<i>Margaret S. Baggett</i>	67 Mayapple Ln.	Yancey

I certify that there are fifteen Wolf Laurel registrations in Yancey

I certify that the above nine names are registered

residents Yancey County, N.C.

10-24-58

Mary Oliver
Supervisor of Elections
Yancey Co.

-3-
PETITION

BEFORE THE;

Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
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BARBARA S. CHRISTIAN	<i>Barbara S. Christian</i>	55 Bee Tree Lane	Yancey
----------------------	-----------------------------	------------------	--------

I certify that the above name is a registered voter in Yancey County.

*Leatha Robinson
Deputy Supervisor
Yancey Board of
Election*

D-4

PETITION

BEFORE THE;
Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
WARE, ROBERT E.	Robert E. Ware	394 McInney Gap	Madison
WARE, GENE C.	Gene C. Ware	394 McInney Gap	Madison
BURROWS, Jeanne Jean	Jeanne Burrows	222 Hanging Rock Rd	Madison
BURROWS, W. RAYMOND JR	W. Raymond Burrows Jr.	222 Hanging Rock Rd	Madison
CRITCHER, JOHN G.	(SIGNED ON YANCEY COUNTY SHEET)		
MAYFIELD, JR - DAVID A.	David A. Mayfield Jr	573 Elmwood Dr	Madison
MAYFIELD, HAZEL C.	Hazel C. Mayfield	573 Elmwood Dr	Madison
PARISEAU, H. E.	H. E. Pariseau	658 E. Minor	Madison
PARISEAU, Margaret H.	Margaret H. Pariseau	658 E. L. Minor	Madison
RATLIFF, EDWARD K.	Edward K. Ratliff	665 Fairway Lane	Madison
RATLIFF, BEULAH K.	Beulah K. Ratliff	665 Fairway Lane	Madison
SCOTSEY, MISTY S	Misty S. Scotsey	665 Fairway Lane	Madison
BILLINGSLEY, MARY	Mary O. Billingsley	103 Sycamore	Madison
RAMSEY, ROBERT W.	Robert W. Ramsey	731 Oak Ridge Lane	Madison
RAMSEY WANDA LEE	Wanda Lee Ramsey	731 Oak Ridge Lane	Madison

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PETITION

BEFORE THE;
Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
HAWKINS, Marion A.	Marion A. Hawkins	24 Meadows Lane	Madison
HAWKINS, Helga	Helga Hawkins	" " "	"
Clark, Florence	Florence Clark	Blacksburg	Madison
Carpenter, Kathleen J.	Kathleen J. Carpenter	Blacksburg	Madison
Joe K. Matheson, Jr.	Joe K. Matheson	13 Meadow Lane	Madison
Virginia P. Matheson	Virginia P. Matheson	13 Meadow Lane	Madison
Peggy M. Nelson	Peggy M. Nelson	612 Spring Valley Road	Madison
GALBREATH, PAUL J.	Paul J. Galbreath	19 Fox Den Road	Madison
Galbreath, Ruth S.	Ruth S. Galbreath	19 Fox Den Road	Madison
Elizabeth E. Brown	Elizabeth E. Brown	#2 Village	Madison
Patsy A. Brown	Patsy A. Brown	#2 Village	Madison
BLUMIE, GEORGE B.	George Blumie	71 English Ridge	Madison
BLUMIE, JUDY A.	Judy A. Blumie	71 English Ridge	Madison
Rolf, June Geer	June Geer Rolf	600 Wolf Laurel	Madison
ROLF, ALTON P.	Alton P. Rolf	600 Wolf Laurel	Madison

PETITION

BEFORE THE;
Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
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nier, Carolyn B	Carry-Blumie	24 Gardenside	Madison
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D-7

PETITION

BEFORE THE;
Joint Legislative Commission on Municipal Incorporation
100 Legislative Office Building
Raleigh, N.C. 27611-9184

The undersigned registered voters residing in the area shown on the map attached to this petition request the incorporation of the Village of Wolf Laurel. Attached to this petition is a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election.

NAME (PRINT)	SIGNATURE	RESIDENCE ADDRESS	COUNTY
HENRY S. BACARISSE	<i>H. Bacarisse</i>	Wolf Laurel Resort	Madison
HENRY C. BACARISSE III	<i>Henry C. Bacarisse III</i>		
HENRY C. BACARISSE JR.	<i>Henry C. Bacarisse Jr.</i>	Wolf Laurel Resort	Madison

B. CERTIFICATION OF SIGNATURES

The Madison County Board of Elections has examined the petition to the Joint Legislation Commission of Municipal Incorporation from the citizens of Wolf Laurel community of Madison County who are seeking incorporation of the community as Wolf Laurel Village.

We have placed a check beside the signature of each person who is qualified and registered voter of Madison County.

DATED THIS THE 21st DAY OF Oct. 1988.

S. Karen Edwards

S. Karen Edwards, Supervisor
Madison County Board of Elections

10K

Current Wolf Laurel Residents
Registered in Ebb's Chapel Precinct
Madison County, N.C.
November 7, 1988

Name

Wolf Laurel Address

Bacarisse, LaVonne S.	Wolf Laurel Resort, Madison Cty.
Bacarisse, Henry C. Jr.	Wolf Laurel Resort, Madison Cty.
Bacarisse, Henry III	Wolf Laurel Resort, Madison Cty.
Billingsley, Mary	103 Sugar Tree, Madison Cty.
Blume, Judy A.	71 English Ridge, Madison Cty.
Blume, George B.	71 English Ridge, Madison Cty.
Brown, Kenneth	2 Village, Madison Cty.
Brown, Patsy A.	2 Village, Madison Cty.
Burrows, Jeanne	222 Hanging Rock Road, Madison Cty.
Burrows, W. Raymond Jr.	222 Hanging Rock Road, Madison Cty.
Carpenter, Charles F.	18 Gardenside, Madison Cty.
Carpenter, Kathy J.	18 Gardenside, Madison Cty.
Galbreath, Paul J.	19 Fox Den Road, Madison Cty.
Galbreath, Ruth S.	19 Fox Den Road, Madison Cty.
Godsey, Mistye S.	665 Fairway Lane, Madison Cty.
Hawkins, Helga	24 Meadow Lane, Madison Cty.
Hawkins, Marion A.	24 Meadow Lane, Madison Cty.
Hobson, Peggy	612 Spring Valley, Madison Cty.
Knight, Clara	64 May Apple Lane, Madison Cty.
Knight, Edward	64 May Apple Lane, Madison Cty.
Knight, Penny	64 May Apple Lane, Madison Cty.
Matheson, Joe K. Jr.	13 Meadow Lane, Madison Cty.
Matheson, Virginia P.	13 Meadow Lane, Madison Cty.
Nayfield, David Jr.	573 El Miner Drive, Madison Cty.
Mayfield, Hazel C.	573 El Miner Drive, Madison Cty.
Pariseau, Margaret H.	658 El Miner Drive, Madison Cty.
Pariseau, C.E.	658 El Miner Drive, Madison Cty.
Ramsey, Robert W.	737 Oak Ridge Lane, Madison Cty.
Ramsey, Wanda Lee	737 Oak Ridge Lane, Madison Cty.
Ratliff, Beulah K.	665 Fairway Lane, Madison Cty.
Ratliff, Edward K.	665 Fairway Lane, Madison Cty.
Red, Demetrios	16 Southmeadow, Madison Cty.
Red, Patricia	16 Southmeadow, Madison Cty.
Vernier, Carolyn B.	24 Gardenside, Madison Cty.
Sharp, John R.	Oak Ridge Lane, Madison Cty.
Sharp, Lee	Oak Ridge Lane, Madison Cty.
Ware, Gene C.	394 McKinney Gap, Madison Cty.
Ware, Robert	394 McKinney Gap, Madison Cty.
Stansell, Charles Irvin	128B Wolf Laurel, Mars Hill, Madison County
Stansell, Virginia Geard	128B Wolf Laurel, Mars Hill, Madison County

This is to certify that the said forty (40) persons are qualified and registered voters of Madison County in the Ebbs Chapel Precinct of Madison County.

DATED THIS THE 9th day of November, 1988.

Sworn to and subscribed before me this the 9th day of November 1988.

(SEAL)

D-10

S. Karen Edwards, Notary
S. Karen Edwards, Notary Public
My Commission Expires: 06/21/92

C. SURVEY OF WOLF LAUREL RESORT

Property Owners' Opinions on Incorporation

Conducted September 6, prior to petition preparation

	No	Undecided	Yes	Total Response	People Represented
WLPOA Homeowners	5	5	111	121	242
WLPOA Lot owners	1	2	31	34	58
Other Homeowners	4	1	14	19	38
Other Lot owners	6	7	40	53	103 est
Not classified	2	-	28	30	60
	<u>18</u>	<u>15</u>	<u>224</u>	<u>276</u>	<u>501</u>
	7%	6%	87%	100%	100%

	<u>Sent</u>	<u>Received</u>	
Mailing	987	209	21%
Personal	45	45	100%
Total	<u>1032</u>	<u>254</u>	<u>25%</u>

Note: At the time of this survey, Wolf Laurel Property Owners Association (WLPOA) members (426 Family units) represented 66% of the 336 homeowners and about 20% of an estimated 1000 lot owners. The response rates were:

52% of WLPOA home units
15% of WLPOA lot units
19% of other home units
10% of other lot units

D-11)

D. MAP OF AREA PROPOSED FOR INCORPORATION
of
WOLF LAUREL VILLAGE

Prepared by Hampton, Hintz & Associates, Inc.
Land Surveyors
525 New Airport Road, Fletcher, N.C. 28732
October 1988

see page 26

D-1A

E. List of Services proposed to be provided and available at
Wolf Laurel Village
(G.S. 120-163(c))

Provided by Wolf Laurel Village

Building inspection
Building permits
Zoning

Land use planning
Parks and recreation

Provided by other Organizations

Utilities

Electricity

French Broad Electric Membership Corp.,
Marshall, N.C.

Telephone

Contel of North Carolina Incorporated
P.O. Box 655, Weaverville, N.C. 28787

Water

Carolina Water Service, Banner Elk, N.C.

Heat

Natural gas is not available. alternate
fuels of LP gas are regularly delivered
by Suburban Propane from Asheville
and two fuel oil companies service
the area. Most homes are electrically
heated and supplemented by wood
heaters.

Infrastructure

Road Maintenance

Wolf Laurel Road Maintenance, Inc., a
subsidiary of Bald Mt. Development Co.
Mars Hill, N.C.

Waste Disposal
Sewer

At business locations of restaurant and
motel as well as multi-unit homes
independent waste treatment systems
monitored by Waste Services, Inc.
are maintained and will be pro-
vided for future development. Res-
idences have septic systems approved
by the respective county health de-
partment.

Solid

Businesses transport their own waste
to nearby Madison County Reception
areas. For residences, the Madison
County Sanitation Department main-
tains two locations at Wolf Laurel
in the summer, and one in the winter.
Solid waste is removed from these
locations twice weekly.

Services

Fire Protection

Ebbs Chapel Volunteer Fire Department,
Puncheon Road, Mars Hill, N.C. 28754

Law Enforcement

1. Yancey County Sheriff's Department,
Burnsville, N.C.
2. Madison County Sheriff's Department,
Marshall, N.C.

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F. Population, Density, Assessed Valuation, and Development
(G.S. 120-163(c))

The population of the proposed Wolf Laurel Village is 70 permanent residents, supplemented, usually in the summer months, by an estimated average of 375.

The area of the proposed Wolf Laurel Village is 3,883 acres.

The population density is 18 persons per thousand acres.

The assessed valuation, including a recent reassessment in Madison County, is \$50,534,500.

A report on development and land use, in acres (G.S. 120-168) prepared by the Community Assistance Office of the North Carolina Natural Resources and Community Development Office in Asheville follows.

Sources of other information are the tax rolls of Yancey and Madison County, obtained June 23, 1988, the map based upon surveys and recorded deeds, which is included in this petition, and efforts of many volunteers to personally visit addresses, analyze registration lists, mailing lists from different sources and efforts since June 23 to maintain contact with as many residents in person as possible.

WOLF LAUREL VILLAGE

<u>Type</u>	<u>Acreage</u>	<u>% of Total</u>
Residential	343.00	8.83
Commercial	611.71 ¹	15.75
Industrial	5.81 ²	.14
Institutional	0	0
Governmental	0	0
Vacant	<u>2922.48</u>	75.26
Total	3883.00	

Percent Developed 24.73

Percent Vacant 75.26

Total Acreage Developed 960.52

Total Acreage Vacant 2922.48

¹Includes the following acreage:

Roads	276.36
Maintenance site	8.00
Recreation site	6.00
Nature trail	18.18
Ski resort	176.17
Golf course	117.00
POA office	5.00
Real estate office	<u>5.00</u>
	611.71

²Includes the following acreage:

Two well sites	2.39
Utility substation	1.37
Water company office	<u>2.05</u>
	5.81

Prepared by the
Community Assistance Office
N.C. Natural Resources and
Community Development Dept.
Asheville, N.C. 11/2/88

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TAX EVALUATION BY TYPE OF LAND USE

June 23, 1988 Tax Report to the nearest \$500

	Madison Cty	Yancey Cty	W.L. Village
<u>Residential</u>			
HOMES (336)	\$14,183,000	\$150,000	\$20,333,000
LOTS (1100+)	15,273,000	226,500	24,499,500
PERSONAL	440,500	113,000	553,500
 <u>Commercial</u>			
BALD MT. DEV. CORP.	563,500	572,500	1,136,000
W.L. SKI RESORT, INC.			
MACHY.	378,000		828,000
LAND, BLDG.	450,000		
SKISTOK	210,000		210,000
WALNUT MT. VENTURES	1,267,500	1,890,000	3,157,500
BUSINESS			
(UTILITIES)	-----	not listed	-----
 TOTAL	 \$32,582,500	 \$17,952,000	 \$50,534,500

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G. Interim Governing Board
(G.S. 120-163(c))

John Baggett, 67 May Apple Lane, Rt. 3, Mars Hill, N.C. 28754
Retired. Formerly Vice-President and General Manager of
Diamond Hill Plywood Company with branches in several states,
including Raleigh, North Carolina.

Raymond Burrows, 222 Hanging Rock Road, Rt. 3, Mars Hill, N.C. 28754
Currently Regional Planner with Land of Sky (region B) Regional
Council, 25 Heritage Drive, Asheville, North Carolina 28806.

Robert Feasel, 171 Unakite Lane, Rt. 3, Mars Hill, N.C. 28754
Retired. Formerly operated glass fabrication and installation
business as well as retail paint store.

H. Notification and Publication
(G.S. 120-164)

We, the undersigned proposed members of the interim governing board for the proposed Wolf Laurel Village, certify that the notification requirements of G.S. 120-164 have been met by delivering letters of notification to the following:

1. The chairmen of the Madison and Yancey County boards of Commissioners

Madison on October 22, 1988, Yancey on October 24, 1988

2. To the mayors of all the municipalities in Madison and Yancey Counties

Burnsville on October 22, 1988
Marshall on November 1, 1988
Mars Hill on October 22, 1988
Hot Springs on October 25, 1988

We also certify that a notice of our intent to present this petition to the Commission was published as required by G.S. 120-164 in the Yancey Journal and the News Record (Madison County). Proof of publication from the Yancey Journal and the News Record (Madison County) is attached to this petition.

Date	<u>November 7, 1988</u>	Signed	<u>Robert C. Fennell</u>
Date	<u>November 4, 1988</u>	Signed	<u>Raymond J. Burrows</u>
Date	<u>November 9, 1988</u>	Signed	<u>John F. Baggett</u>

D-19

(
I. Populations and Nearness of Other Municipalities
within Five Miles of the Propoosed Wolf Laurel Village
(G.S. 120-166)

There are no municipalities within 5 miles of the proposed Wolf Laurel Village.

J. CHARTER OF WOLF LAUREL VILLAGE
(G.S. 120-163(c))

CHAPTER I

Incorporation and Corporate Powers

- 1.1 Incorporation and Corporate Powers. The inhabitants of the Town of Wolf Laurel are a body corporate and politic under the name 'Wolf Laurel Village'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II

Corporate Boundaries

Article 1. Village Boundaries

- 2.1 Village boundaries. Until modified in accordance with law, the boundaries of Wolf Laurel Village are as shown on the map included as item D of this petition. The map was prepared by Hampton Hintz Associates, land surveyors, October 1988.

Electoral District Boundaries

- 2.5 Electoral district boundaries. Until modified in accordance with law, the boundaries of the electoral districts of Wolf Laurel Village are identical to town boundaries as shown on the map prepared by Hampton Hintz Associates, land surveyors, October 1988, and included is item D of this petition.

CHAPTER III

Governing Body

- 3.1 Structure of governing body; number of members.
The governing body of Wolf Laurel Village is the Village Council, which has five members.
- 3.2 Manner of electing Council.
The qualified voters of the entire Village nominate and elect the members of the Council.
- 3.3 Terms of office of Council members.
The members of the Council are elected to four year terms. In 1989 and each four years thereafter, three members of the Council shall be elected. Also, two members of the Council shall be elected in 1989 to serve for two years. In 1991, and each four years thereafter, two members of the Council shall be elected.

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- (
- 3.4 Election of Mayor: term of office
At the organizational meeting of the Village Council following each election, the Council shall elect one of its members to serve as Mayor until the next election.

CHAPTER IV

Elections

- 4.1 Village to operate under Mayor-Council plan.
Wolf Laurel Village operates under the Mayor-Council plan as provided in G.S. 160A, Article 7, Part 3.

K. Governing Body

Structure of governing body; number of members.

The governing body of Wolf Laurel Village is the Village Council, which has five members.

Manner of electing Council.

The qualified voters of the entire Village nominate and elect the members of the Council.

Term of office of Council members.

The members of the Council are elected to four year terms. In 1988 and each four years thereafter, three members of the Council shall be elected. Also, two members of the Council shall be elected in 1989 to serve for two years. In 1991, and each four years thereafter, two members of the Council shall be elected.

Election of Mayor: term of office.

At the organizational meeting of the Village Council following each election, the Council shall elect one of its members to serve as Mayor until the next election.

Elections

Village to operate under Mayor-Council plan.

Wolf Laurel Village operates under the Mayor-Council plan as provided in G.S. Chapter 160A, Article 7, Part 3.

EXHIBITS

1. Projected Budget for Wolf Laurel Village
2. Map of Current Land use
3. Notification Receipts
4. Public Notices
5. Out-of-Area Residents Survey - Copies of Responses

EXHIBITS

1. Projected Budget for Proposed Town

Revenues

Expenditures

State Shared

Intangibles	not est.
Beer and wine	\$00.00
Franchise	not est.
Street aid	00.00

Building inspection	\$750
Building permits	500
Zoning	750
Parks and recreation	1,000
Land use planning	1,000
Administrative Exp.**	<u>43,900</u>

Total \$47,900

Local sales	not est.
Property*	\$49,877.55
Other	<u>not est.</u>
Totals	\$49,877.55

Projected property tax rate: .105 per \$100 assessed evaluation.

** Tax collection	\$1750	Inc. and Bonds	\$5,000
Election	750	Dues and Sub.	300
Clerk	10,000	Contingency Fd.	5,000
Attorney	6,000	Telephone & postage	2,500
Fringe Benefits	2,000	Travel	800
Utilities	2,000	Supplies & materials	1,500
Rent	2,400	Capital outlay	<u>3,500</u>
Misc.	400	Total	\$43,900

*Anticipated Collection Rate used is 94%
(\$50,534,500 x \$.105/100= \$53,061.23; \$53,061.23 x .94=\$49,877.55)

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● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: W. DAVID PETERSON CHRMN - YANCEY CTY COMMISSIONER COURTHOUSE BURNSVILLE, NC 28714	4. Article Number P541 026 162 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature - Addressee X <i>David Peterson</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 12-2-86	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: BOBBY CHAPIN HHL, MADISON CTY COMMISSIONER P.O. Box 579 MADISON HILL, NC 28754	4. Article Number P541 026 157 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature - Addressee X <i>Bobby Chapin</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>[Circular Postmark]</i>
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

D-27

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery

3. Article Addressed to

4. Article Number
P 541 026 153

Type of Service
☐ Registered
☐ Certified
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

6. Signature — Addressee
X *Michael B. Smith*

8. Addressee's Address (ONLY if requested and fee paid)
1000 S. 10th St., N.C. 28757

6. Signature — Agent
X

7. Date of Delivery
1-11-88

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

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☐ Certified
☐ Express Mail

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1000 S. 10th St., N.C. 28757

6. Signature — Agent
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7. Date of Delivery
1-11-88

PS Form 3811, Feb. 1986

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Always obtain signature of addressee or agent and DATE DELIVERED.

6. Signature — Addressee
X *Michael B. Smith*

8. Addressee's Address (ONLY if requested and fee paid)
1000 S. 10th St., N.C. 28757

6. Signature — Agent
X

7. Date of Delivery
1-11-88

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

AFFIDAVIT OF PUBLICATION

NORTH CAROLINA
MADISON COUNTY

CLIPPING OF LEGAL

ADVERTISEMENT

ATTACHED HERE

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared Hugh D. Kountz, III, who being first duly sworn, deposes and says that he is

Editor

engaged in the publication of a newspaper known as

The News Record

published, issued, and entered as second class mail in the City of Marshall in said County and State, that he is authorized to make this affidavit and sworn statement, that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The News Record on the following dates.

10/27, 11/3

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 4th day of November, 19 88
[Signature]
(Signature of person making affidavit)

Sworn to and subscribed before me this 4th day of November, 19 88
Brenda C. Parker
(Notary Public)

My Commission expires: December 8/1988

PUBLIC NOTICE

In accordance with the notification requirements of GS 120-164, we the undersigned members of the interim governing council for the proposed Wolf Laurel Village, announce our intention to present a petition to the Joint Legislative Commission on Municipal Incorporation of the North Carolina Legislature.

Ray Burrows,
222 Hanging Rock Road,
Mars Hill

John Baggett
67 May Apple Lane
Mars Hill

Bob Feasel
171 Unakite Lane
Mars Hill

Pub. 10/27, 11/3

11-29

Clipping of Advertisement
Attached Here

PUBLIC NOTICE

In accordance with the notification requirements of GS 120-164, we the undersigned members of the interim governing council for the proposed Wolf Laurel Village, announce our intention to present a petition to the Joint Legislative Commission on Municipal Incorporation of the North Carolina Legislature.
Ray Burrows, 222 Hanging Rock Road, Mars Hill. John Baggett, 67 May Apple Lane, Mars Hill. Bob Feascl, 171 Unakite Lane, Mars Hill.
Wolf Laurel Property Owners, P.O. Box 122, Mars Hill, NC 28754
October 27, November 3, 1988

**NORTH CAROLINA
YANCEY COUNTY**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Stephen R. Hall

who being first duly sworn, deposes and says: that he (she) is General Manager

(Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of The Yancey Journal published, issued, and entered as second class mail in the Town of Burnsville in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other advertisement, a true copy of which is attached hereto, was published in The Yancey Journal on the following dates:

October 27, November 3, 1988

and that the said newspaper in which such notice, paper, document, or advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 3 day of November, 19 88

Stephen R. Hall
(Signature of person making affidavit)

Sworn to and subscribed before me, this 3

day of November, 19 88

Holly Sink (Hall)
Notary Public

HOLLY SINK (HALL) NOTARY PUBLIC
YANCEY COUNTY, NORTH CAROLINA
My Commission expires: MY COMMISSION EXPIRES MAY 24, 1989

(22)

D-30

APPENDIX E

NORTH CAROLINA GENERAL ASSEMBLY
JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27611-9184



Senator James E. Ezzell, Jr.
Co-Chairman

Representative Gordon H. Greenwood
Co-Chairman

November 15, 1988

MEMORANDUM

TO: George R. Hall, Jr.
Legislative Administrative Officer

FROM: Gerry F. Cohen,
Director of Legislative Drafting

SUBJECT: Consultant Contract

The Joint Legislative Commission on Municipal Incorporations, created by the 1985 General Assembly, is assigned the statutory duty of reviewing proposed incorporations of new municipalities.

At the request of the co-chairmen of the Joint Legislative Commission on Municipal Incorporations, Representative Gordon Greenwood and Senator James Ezzell, I request approval from the Legislative Services Commission of a contract between the Joint Legislative Commission on Municipal Incorporations and the Department of Natural Resources and Community Development in the amount of four thousand dollars (\$4,000) for the technical review of the proposed incorporations of the Village of Wolf Laurel and the Town of Fletcher, in accordance with the proposal of November 4, 1988, attached. The Legislative Services Commission has already allocated \$15,000 for the Joint Legislative Commission on Municipal Incorporations, of which \$14,996 remains unexpended.

G.S. 120-32.02(b), enacted by the 1988 short session states:

"(b) Notwithstanding any other provision of law, a commission or committee whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement and which has the power to contract for consultants or hire employees, or both, may contract for consultants, or hire employees, or both, only upon the prior approval of the Legislative Services Commission. A contract for

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employment or consultant services by such a commission or committee is void and unenforceable unless approved by the Legislative Services Commission prior to the contract being entered into."

As the Joint Legislative Commission on Municipal Incorporation will be holding its first meeting on November 29, 1988, I hope this request can be handled as rapidly as possible, so that the study may proceed.

For the review cycle for the 1989 Regular Session, petitions were required to be submitted no later than November 11, 1988, and the Commission must turn in its report no later than March 10, 1989. By the deadline, two petitions had been received. The first, received November 1, 1988, was for the incorporation of the Town of Fletcher in Henderson County. The second, received November 10, 1988, was for the incorporation of the Village of Wolf Laurel in Madison and Yancey Counties. No petitions were received by the petition during the 1987 review cycle.

At the February 12, 1986 meeting of the Legislative Research Commission study that recommended the creation of the Joint Legislative Commission on Municipal Incorporations, I stated that a technical analysis of the proposal would be required, and this would be done under contract with the Department of Natural Resources and Community Development or the Institute of Government (minutes attached). The study commission then requested a cost proposal from NRCD, which responded on March 12, 1986 with a quote of \$1500 to \$2000 per petition (letter attached).

The enacted legislation, G.S. 120-161 states:

"§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Natural Resources and Community Development, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission." (emphasis added)

At the direction of co-chairmen Representative Gordon Greenwood and Senator James Ezzell, a cost estimate was sought from the Department of Natural Resources and Community Development. Robert Chandler, Director of the Division of Community Assistance responded on November 4, 1988 with a quote of \$2,000 per petition, for a total of \$4,000.

MU6

c.c. Joint Legislative Commission on Municipal Incorporations
Legislators representing Fletcher or Wolf Laurel

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State of North Carolina
Department of Natural Resources and Community Development

Division of Community Assistance

512 North Salisbury Street • Raleigh, North Carolina 27611

James C. Martin, Governor
S. Thomas Rhodes, Secretary

Robert E. Chandler
Director

November 4, 1988

MEMORANDUM

TO: Gerry Cohen
FROM: Bob Chandler *RC*
SUBJECT: Municipal Incorporation

As a follow-up to my memo to you dated October 31 and our subsequent telephone conversation, I have talked with Jake Wicker and Ellis Hankins to get their views on DCA review of incorporation petitions. Neither Jake nor Ellis had any problem with DCA reviewing petitions as you and I discussed. Jake Wicker also stated that the Institute of Government would not want to have any formal role in incorporation petition review, although they would be happy to work with DCA in developing the initial review methodology and procedure.

Based on these conversations, I propose that DCA assist the Joint Legislative Commission on Municipal Incorporations with the following procedures:

1. Initial inquiry, per G.S. 120-165.
2. Additional criteria, per G.S. 120-166 through G.S. 120-169.
3. Findings as to services, per G.S. 120-170.

In addition, DCA staff would be available to meet with the Commission and/or its staff to review findings.

The cost of providing this service to the Commission will be \$2,000 per incorporation (petition). Higher fees may be negotiated for unusual circumstances on a case-by-case basis.

Also, as we discussed earlier, DCA staff may sometimes assist in the preparation of incorporation petitions. When this is the case, DCA staff who review a petition will be different from the staff who prepare a petition.

Please let me know if you have any questions.

RC:jla

cc: Sandy Duke
DCA Chief Planners

PO Box 27687 Raleigh, North Carolina 27611-7687 Telephone 919.734.2850

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that the draft is set up assuming that legislation is passed in the short session to be able to review proposals that might be submitted for the 1987 session.

After Mr. Cohen's further review of the proposals, various members made the following suggestions and recommendations:

Senator Royall suggested that expenses be paid out of fees received by the commission, instead of the C&E fund, plus an appropriation by the General Assembly because the C&E fund is not set up to handle anything of this type. Mr. Cohen stated that the cost of operation would depend on how many petitions were received. He later said that he will determine how many incorporation bills have been introduced in the Legislature in past years and discuss with some people approximately how much it might cost to make the kind of evaluations being discussed in order to get some idea of the appropriation needed. He thinks the actual analysis would be under contract with the Institute of Government or NRCD or some other agency which would be paid the cost of doing the evaluation work out of the legislative budget.

Fred Baggett with the League of Municipalities was recognized, and he stated that he thinks the committee's proposed legislation should be in the House and Senate Rules as well as statutory. In general, he thinks this approach would be very helpful in that there would be a place to send an incorporation that might be potentially controversial for an objective and independent analysis of the proposal.

E



State of North Carolina
Department of Natural Resources and Community Development
Division of Community Assistance
512 North Salisbury Street • Raleigh, North Carolina 27611

James Martin, Governor
Thomas Rhodes, Secretary

Alice Beddingfield
Director

March 12, 1986

MEMORANDUM TO: Gerry F. Cohen
FROM: Alice Beddingfield *AB*
SUBJECT: Information Request: Municipal Incorporations

In response to your question to Beth Christensen yesterday, the Division of Community Assistance (DCA) assists areas which wish to incorporate. This assistance is characterized as follows:

- 1) the assistance is performed upon request,
- 2) all requests are met on a first come, first served basis as appropriate and skilled staff is available,
- 3) assistance is given with the knowledge of the affected county commission, and
- 4) DCA staff assistance is provided at no charge, however, there is a charge for associated travel, publication and other support costs (estimated at \$1500 to \$2000 per incorporation).

The Division anticipates continuing this service under the conditions and with the costs described above. Regarding the greater involvement of DCA in municipal incorporation studies, I have two concerns noted below:

- 1) DCA is not staffed to provide legal services or detailed tax analyses, and
- 2) the proposal may generate a volume of requests that current staff could not accommodate in a timely manner.

I will be glad to discuss DCA's role in this area with you. Please contact Beth or me if you have any questions or need additional information.

AB/pd

cc: Mary Joan Pugh
Sandy Duke





APPENDIX F

EXHIBIT F

State of North Carolina
Department of Natural Resources and Community Development

Division of Community Assistance
512 North Salisbury Street • Raleigh, North Carolina 27611

James G. Martin, Governor
S. Thomas Rhodes, Secretary

November 29, 1988

Robert E. Chandler
Director

MEMORANDUM

TO: Joint Legislative Commission on Municipal Incorporations
FROM: Bob Chandler *RC*
SUBJECT: Schedule and Services for Further Inquiry

The Division of Community Assistance proposes to offer the following services, in addition to those already rendered, in review of the petitions for incorporation for the proposed Towns of Fletcher and Wolf Laurel.

1. Review the additional criteria relating to nearness to another municipality, population, development, and area unincorporated. (G.S. 120-166 to 169)
2. Compare services offered by each proposed municipality to three other municipalities of similar size and situation to determine whether the services proposed as a part of the petitions for incorporation are adequate and appropriate. (G.S. 120-170)
3. Compare tax rates proposed by each proposed incorporation to other municipalities offering the same services to ensure that taxes will be adequate to cover costs of proposed services. (G.S. 120-170)
4. Prepare and submit a written report detailing the findings of these investigations to the Commission no later than December 28, 1988.
5. Attend, if requested by the Commission, the public hearings related to these incorporations.
6. Provide other services as requested by the Commission.

We will be available at the November 29, 1988 meeting to discuss this proposal with you. If the conditions are agreeable, we will begin this detailed review immediately.

RC/RLC/jf

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State of North Carolina
Department of Natural Resources and Community Development
Raleigh Regional Office

James G. Martin, Governor
S. Thomas Rhodes, Secretary

Larry South, Regional Manager

DIVISION OF COMMUNITY ASSISTANCE

November 23, 1988

MEMORANDUM

TO: Joint Legislative Commission on Municipal Incorporations
FROM: Ralph Cantral, Chief Planner *RC*
SUBJECT: Initial Inquiry - Proposed Town of Fletcher

The petitions for incorporation of the Town of Fletcher meet the criteria outlined in G.S. 120-163 and 164 (see attached checklist) with the following exceptions:

1. The petitions submitted contain a total of 815 signatures. Of these, the Henderson County Board of Elections has certified that 747 of the signatures are of registered voters within the Fletcher and Hoopers Creek precincts. The Board of Elections is unable to determine if the registered voters are located within the boundaries of the proposed incorporation due to insufficient street addresses in the voter rolls. The requirement relating to petition signatures is as follows:

§120-163

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

Although the letter of the statute can not be met without better voter registration information, we can establish a "probable" number of registered voters and a "worst case scenario" to see if the fifteen percent standard can be assumed to be a reasonable level of certainty.

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Probable Scenario

- (a) The petitioners have submitted information indicating that there are 1203 occupied households within the proposed boundaries of the town. If we assume that there are two eligible voters per household and that sixty percent of all eligible voters are, in fact, registered, then the approximate number of registered voters within the proposed boundaries of the town is 1443 (1203 households x 2 x .60). The 747 certified voters would then be 51.8% of the probable registered voters, exceeding the required 15%.

Worst Case Scenario

- (b) The Henderson County Board of Elections has informed us that there are 2,752 registered voters in Fletcher and Hoopers Creek precincts. If we were to assume that all of the registered voters in the two precincts lived within the proposed boundaries of the town, then the 747 certified voters would be 27.1% of the probable registered voters, exceeding the required 15%.

Therefore, we believe that the standard requiring the signatures of 15% of the registered voters within the boundaries of the proposed town can reasonably be assumed to have been met. Should the Commission have doubts as to whether this standard has been met, the petitioners have asked for a referendum of all registered voters as allowed in G.S. 120-172.

- 2. Another issue related to the petitions that has surfaced relates to the requirement that the board of elections "shall place a check mark beside the name of each signer". Due to the large number of petitions, several staff members marked the names in different ways (such as marking only those that did not qualify). It is clear on each petition, however, which signatures are of registered voters. Combined with the statement by the Chairman of the Henderson County Board of Elections, we feel that the spirit of the requirement has been met.

All other requirements of §120-163 and 164 have been met.

RDC/jf

attachment

INITIAL INQUIRY CHECKLIST

G.S. 120-163

COUNTY BOARD OF ELECTIONS MUST:

Verify that 15% of registered voters (but not less than 25 voters) within proposed area of incorporation have signed petitions

S. 120-163

Certify total number of registered voters

S. 120-163

Certify number of verified petitioners

S. 120-163

PETITION MUST INCLUDE THE FOLLOWING INFORMATION FOR PROPOSED COMMUNITY:

A proposed name

S. 120-163

A map

S. 120-163

A list of proposed services

S. 120-163

The names of three persons to serve as interim governing board

S. 120-163

A proposed charter

S. 120-163

A statement of estimated population

S. 120-163

A statement of the assessed valuation

S. 120-163

A statement describing the degree of development

S. 120-163

A statement describing the population density

S. 120-163

Recommendations as to the form of government and manner of election

S. 120-163

PETITIONERS MUST PRESENT PETITIONS VERIFIED BY COUNTY BOARD OF ELECTIONS:

Petition must be submitted at least sixty days prior to next session of General Assembly

S. 120-163

G.S. 120-164

PETITIONERS MUST NOTIFY NO LATER THAN 5 DAYS PRIOR TO SUBMITTING PETITIONS:

Board(s) of county commissioners

S. 120-164

All cities within county

S. 120-164

All cities within any other county within 5 miles of the proposed municipality

S. 120-164



State of North Carolina
Department of Natural Resources and Community Development
Raleigh Regional Office

James C. Martin, Governor
S. Thomas Rhodes, Secretary

Larry South, Regional Manager

DIVISION OF COMMUNITY ASSISTANCE

November 28, 1988

MEMORANDUM

TO: Joint Legislative Commission on Municipal Incorporations

FROM: Ralph Cantral, Chief Planner *RC*

SUBJECT: Initial Inquiry - Proposed Town of Wolf Laurel

The petitions for incorporation of the Town of Wolf Laurel meet the criteria outlined in G.S. 120-163 and 164 (see attached checklist) with the following exception:

The petitions submitted contain a total of 43 signatures of registered voters within Yancey and Madison Counties. The board of elections for the two counties both report that they are unable to certify that the voters reside within the proposed boundaries of Wolf Laurel as their records do not contain street addresses. Similarly, the boards of election can not verify the total number of registered voters within the proposed boundaries for the same reason. The numbers of total registered voters claimed in the petition (15 in Yancey, 40 in Madison) were determined by the boards of election based on mailing addresses of Wolf Laurel. Without street addresses they can not positively certify that these numbers are accurate, although both county election supervisors, when contacted by telephone, stated that they believe the numbers to be fairly accurate.

The requirement relating to petition signatures is as follows:

§120-163

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.



Although the letter of the statute can not be met, we believe that the statements of the election supervisors combined with the very high percentage of registered voters who signed the petition (78.18%) indicate that the requisite 15% of registered voters has most probably been met.

All other requirements of §120-163 and 164 have been met.

RDC/jf

attachment

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INITIAL INQUIRY CHECKLIST

G.S. 120-163

COUNTY BOARD OF ELECTIONS MUST:

Verify that 15% of registered voters (but not less than 25 voters) within proposed area of incorporation have signed petitions

RC

Certify total number of registered voters

RC

Certify number of verified petitioners

RC

PETITION MUST INCLUDE THE FOLLOWING INFORMATION FOR PROPOSED COMMUNITY:

A proposed name

RC

A map

RC

A list of proposed services

RC

The names of three persons to serve as interim governing board

RC

A proposed charter

RC

A statement of estimated population

RC

A statement of the assessed valuation

RC

A statement describing the degree of development

RC

A statement describing the population density

RC

Recommendations as to the form of government and manner of election

RC

PETITIONERS MUST PRESENT PETITIONS VERIFIED BY COUNTY BOARD OF ELECTIONS:

Petition must be submitted at least sixty days prior to next session of General Assembly

RC

G.S. 120-164

PETITIONERS MUST NOTIFY NO LATER THAN 5 DAYS PRIOR TO SUBMITTING PETITIONS:

Board(s) of county commissioners

RC

All cities within county

RC

All cities within any other county within 5 miles of the proposed municipality

RC

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APPENDIX I



State of North Carolina
Department of Natural Resources and Community Development
Raleigh Regional Office

James C. Martin, Governor
S. Thomas Rhodes, Secretary


Larry South, Regional Manager

DIVISION OF COMMUNITY ASSISTANCE

January 4, 1989

MEMORANDUM

TO: Members, Joint Legislative Commission on Municipal Incorporations

FROM: Ralph Cantrel 
Chief Planner

SUBJECT: Analysis of Additional Criteria - Proposed Town of Fletcher

The petitions for incorporation of the proposed Town of Fletcher meet the criteria outlined in G.S. 120-166 through 170 as indicated on the attached checklist. The criteria that are not met or which need further explanation are discussed below.

- (1) G.S. 120-166 -- The City of Asheville has a population of more than 50,000, thus the Commission may not make a positive recommendation as the proposed municipality is located within five miles.

The petitions state that the nearest boundary of the City of Asheville is located 2.03 miles from the proposed limits of the Town of Fletcher. The 2010 Asheville City Plan indicates land immediately adjacent to the proposed town limits as presently being within the City's extraterritorial jurisdiction and as a Priority II area for annexation. Discussions with the City of Asheville Planning Department staff indicate that Priority II annexation areas are scheduled to be annexed during 1990-91. According to the 2010 Plan, the City has not adopted any plans to annex into Henderson County or within the proposed boundaries of Fletcher.

It should also be noted that the Asheville Municipal Airport, which is a satellite incorporation of the City of Asheville, abuts the proposed town limits.

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The provisions of G.S. 120-166 allow that this nearness to another municipality restriction shall not apply if the nearby municipality adopts a resolution expressing its approval of the incorporation. The petitions contain a certified copy of the minutes of the Asheville City Council held on September 20, 1988. These minutes state:

"Vice-Mayor Michalove then moved to deny the request to adopt a resolution supporting the incorporation of the Town of Fletcher. This motion was seconded by Councilman Frank.

Vice-Mayor Michalove's motion passed on a voice vote of 4-2, with Mayor Bissette and Council Bratton voting "no."

- (2) G.S. 120-170 -- To determine whether the proposed Town both intends to provide services similar to those provided by other communities of similar size and situation and whether the proposed tax rates are appropriate for the services proposed, we compared the proposed community to six other municipalities. These six municipalities are all of similar size and are located near substantially larger communities. They are:

Apex, Wendell, and Zebulon in Wake County,
Davidson in Mecklenburg County,
Nashville in Nash County, and
Woodfin in Buncombe County.

The attached tables exhibit the services, budget expenditures, and tax rates of these municipalities.

Services:

The one service which stands out as not being offered by the proposed Town of Fletcher is street maintenance. All of the comparable towns have major expenditures for streets. The maps submitted as a part of the petition indicate that the majority of the roads within the proposed town limits are secondary roads maintained by the North Carolina Department of Transportation.

Fletcher also proposes a very small expenditure for water and sewer services in comparison to the other communities, as water is provided to the proposed community by the City of Henderson and sewer service is provided to the area by the Cane Creek Water and Sewer Authority.

Tax Rates:

The proposed tax rate of \$.25/\$100 compares favorably with the other communities. The tax rates of the comparison communities range from a low of \$.22/\$100 in Davidson to \$.66/\$100 in Apex. The proposed budget does not contain enough detail to determine whether the proposed line items within the budget are adequate to provide the specific services proposed.

As indicated on the attached checklist, the other requirements of G.S. 120-166 through 170 have been met.

RDC/jf

attachments

PROPOSED MUNICIPALITY OF Fletcher
ADDITIONAL CRITERIA - CHECKLIST

G.S. 120-166 THROUGH 171

NEARNESS - Within one mile of a community of 5,000 -9,000? No

Within three miles of a community of 10,000 - 24,999? No

Within four miles of a community of 25,000 - 49,999? No

Within five miles of a community of 50,000+? YES

If yes, is community on an island that nearby city is not? No

Are communities separated by a major river or other natural barrier? No

Has nearby community adopted resolution of support? No

Has 50% requested annexation by larger community and been turned down? No

POPULATION - Is proposed community larger than 100 population? YES

LEVEL OF DEVELOPMENT - Is at least 40% of community developed for urban purposes? YES

AREA UNINCORPORATED - Is any part of the community included within the boundary of another incorporated municipality? No

SERVICES Are the proposed services appropriate for a municipality of the size of the proposed one? See memo

Is the tax rate appropriate for the level of services to be provided? see memo

SERVICES PROVIDED BY SIMILAR SIZE MUNICIPALITIES

SERVICE	APEX	DAVIDSON	NASHVILLE	WENDELL	WOODFIN	ZEBULON	FLETCHER
Police	x	x	x	x	x	x	x
Public Safety/ Fire/ Rescue	x	x	x	x		x	x
Streets	x	x	x	x	x	x	
Garbage	x	x	x	x	x	x	x
P&Z	x			x			
CD	x		x		x	x	
Parks & Recreation	x	x	x	x	x	x	x
Library	x		x				
Other Cultural	x						
W&S	x		x	x		x	
Electrical	x						
Other Transportation		x					
Cemetery		x	x				
Other Environmental		x					

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Source: NC League of Municipalities
Fletcher Petition for Incorporation

WETCHER (PROPOSED)
HENDERSON COUNTY

POPULATION - 1,273	
ASSESSED VALUATION (APPROXIMATE)	
REAL PROPERTY	86,107,000
TANGIBLE PERSONAL PROPERTY	0A
TOTAL* ASSESSED VALUE	121,525,000

TAX RATE PROPOSED .25
LATEST RE-EVALUATION 1982

EXPENDITURES	
POLICE	240,000
WATER & SEWER	50,000
GARBAGE	50,000
ADMINISTRATION	77,000
TOWN HALL	15,000
INSURANCE	10,000
RECREATION	25,000
CONTINGENCY	20,000
ELECTIONS	5,000
CAPITAL RESERVE	<u>15,525</u>
	<u>507,525</u>

Source: Petition for Incorporation

APEX
DAKE COUNTY

POPULATION - 4,163
ASSESSED VALUATION
REAL PROPERTY 91,577,000
TANGIBLE PERSONAL PROPERTY 73,785,000
TOTAL* ASSESSED VALUE 769,500,000

TAX RATE FY 87 .66
FY 88 .0A
LATEST RE-EVALUATION 1984

EXPENDITURES
POLICE 383,000
PUBLIC SAFETY INSPECTIONS 40,000
RESCUE 3,000
STREETS 143,000 (POWELL BILL - 94,558)
GARBAGE 155,000 O.D.
PLANNING & ZONING 50,000
COMMUNITY DEVELOPMENT 9,000 OLD.
PARKS & RECREATION 88,000; CONST. 169,000
LIBRARY 501,000 (PURCHASE)
ALL OTHER CULTURAL 30,000
WATER & SEWER 715,000; CONST. 2,192,000
ELECTRICAL 2,031,000; CONST. 285,000

Source: NC League of Municipalities

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WADSWORTH
WASH. COUNTY

POPULATION - 3,677
ASSESSED VALUATION
REAL PROPERTY 61,363,000
TANGIBLE PERSONAL PROPERTY 19,200,000
TOTAL* ASSESSED VALUE 84,109,000

TAX RATE FY 87 .50
FY 88 .50
LATEST RE-EVALUATION 1985

EXPENDITURES
POLICE 168,000
FIRE 49,000 O.D.
STREETS 35,000 (POWELL BILL - 82,481)
GARRAGE 124,000
CEMETERY 42,000
COMM. DEVELOPMENT 177,000 O.D.
PARKS & RECREATION 49,000
LIBRARY 17,000
WATER & SEWER 325,000; CONST. 976,000

Source: NC League of Municipalities

PENDLETON
WAKE COUNTY

POPULATION - 3,051	
ASSESSED VALUATION	
REAL PROPERTY	52,980,000
TANGIBLE PERSONAL PROPERTY	15,424,000
TOTAL* ASSESSED VALUE	70,108,000

TAX RATE FY 87 .69
FY 88 .69
LATEST RE-EVALUATION 1984

EXPENDITURES	
POLICE	200,000
FIRE	55,000 CONTRACT
STREETS	114,000 (POWELL BILL - 67,201)
GARBAGE	122,000
PLANNING	27,000
PARKS & RECREATION	69,000; CONST. 25,000
WATER & SEWER	531,000; CONST. 940,000

Source: NC League of Municipalities

WOODFIN
BUNCOMBE COUNTY

POPULATION - 3,355	
ASSESSED VALUATION	
REAL PROPERTY	39,774,000
TANGIBLE PERSONAL PROPERTY	31,890,000
TOTAL* ASSESSED VALUE	76,715,000

TAX RATE FY 87 .28
FY 88 .28
LATEST RE-EVALUATION 1982

EXPENDITURES	
POLICE	163,000
TRANSPORTATION	181,000 (POWELL BILL - 73,588)
GARBAGE	15,000 CONTRACT
HOUSING & URBAN	77,000
PARKS	15,000 O.D.

Source: NC League of Municipalities

ZEBULON
WAKE COUNTY

POPULATION - 3,060

ASSESSED VALUATION

REAL PROPERTY	80,924,000
TANGIBLE PERSONAL PROPERTY	128,195,000
TOTAL* ASSESSED VALUE	214,205,000

TAX RATE FY 87	.57
FY 88	.57

EXPENDITURES

POLICE	234,000
FIRE	13,000 CONTRACT
STREETS	108,000; PURCHASE 26,000 (POWELL BILL - 65,000)
GARBAGE	174,000
COMM. DEVELOPMENT	164,000 O.D.
PARKS & RECREATION	108,000
WATER & SEWER	368,000

Source: NC League of Municipalities

DAVIDSON
MECKLENBURG & IREDELL COUNTIES

POPULATION - 3,839		
ASSESSED VALUATION	<u>MECKLENBURG</u>	<u>IREDELL</u>
REAL PROPERTY	93,688,000	8,277,000
TANGIBLE PERSONAL PROPERTY	29,305,000	20,033,000
TOTAL* ASSESSED VALUE	127,646,000	28,403,000

TAX RATE FY 87 .22
FY 88 .22
LATEST RE-EVALUATION 1987

EXPENDITURES	
POLICE	193,000
FIRE	19,000
RESCUE	35,000
STREETS	42,000 O.D. (POWELL BILL - 78,338)
ALL OTHER	
TRANSPORTATION	377,000
GARBAGE	101,000 O.D.
CEMETERY	8,000 O.D.
ENVIRONMENTAL	181,000 O.D.
PARKS & RECREATION	62,000

Source: NC League of Municipalities

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APPENDIX J

RESOLUTION NO. 1727

RESOLUTION APPROVING THE INCORPORATION OF THE TOWN OF FLETCHER

WHEREAS, citizens and residents of the community of Fletcher in northern Henderson County have submitted a petition to the Joint Legislative Commission on Municipal Incorporations (hereinafter "Commission") pursuant to North Carolina General Statute sec. 120-163 proposing the incorporation of that community as the Town of Fletcher; and

WHEREAS, the proposed town is within five miles of the City of Asheville, and the Commission is therefore prohibited by North Carolina General Statute sec. 120-166 from making a positive recommendation to the State legislature regarding that incorporation unless the City of Asheville by resolution expresses its approval of the incorporation; and

WHEREAS, the incorporators of the Town of Fletcher have agreed that their corporate charter, if granted, prohibit the annexation by the Town of Fletcher into Buncombe County; and

WHEREAS, the City of Asheville has no current plans for annexation outside Buncombe County; and

WHEREAS, the City of Asheville wishes to cooperate with its neighbors and promote the best interests of both communities; and

WHEREAS, the City of Asheville is therefore willing to withdraw its opposition to the incorporation of the Town of Fletcher, on the condition that the corporate charter for the Town of Fletcher prohibit the annexation by the Town of Fletcher into Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby express its approval of the incorporation of the Town of Fletcher for the purpose of satisfying the requirements of North Carolina General Statute sec. 120-166 (b) (3). Provided, however, that said approval is conditioned upon the corporate charter of the Town of Fletcher not include any territory within the confines of Buncombe County, and that said charter further prohibit the Town of Fletcher from annexing into Buncombe County at any time in the future.

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Resolved, that the City Clerk do this 21st day of February, 1911.

William F. Hallcott C. J. H. H. H. H.
City Clerk Mayor

Approved as to form:

W. F. Hallcott
City Attorney

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APPENDIX K



State of North Carolina
Department of Natural Resources and Community Development
Raleigh Regional Office

James G. Martin, Governor
S. Thomas Rhodes, Secretary

Larry South, Regional Manager

DIVISION OF COMMUNITY ASSISTANCE

January 4, 1989

MEMORANDUM

TO: Members, Joint Legislative Commission on Municipal Incorporations

FROM: Ralph Cantal *RC*
Chief Planner

SUBJECT: Analysis of Additional Criteria - Proposed Wolf Laurel Village

The petitions for incorporation of the proposed Wolf Laurel Village meet the criteria outlined in G.S. 120-166 through 170 as indicated on the attached checklist. The criteria that are not met or which need further explanation are discussed below.

- (1) G.S. 120-167 -- The requirement that proposed municipalities must have a permanent population of at least 100 is not met in the case of Wolf Laurel. The petitioners indicate (see page 15 of petition) that the permanent population within the proposed boundaries is 70. The petitions also state, however, that the seasonal population of the community is approximately 445.

Two additional facts indicate that the population of the community will most probably exceed the required number in the near future. First, there are 336 homes located within the proposed boundaries. Secondly, more than 1,100 additional lots have been subdivided.

- (2) G.S. 120-168 -- The requirement that more than 40 percent of the area of the proposed municipality is developed in "urban" land uses has not been met. The information submitted by the petitioners indicates (see page 16 of petition) that only 24.73 percent of the land area is at present in residential, commercial, or industrial uses. The remaining 75.26 percent is classified as vacant.

As in the case of the population requirement in §120-167, it can be reasonably expected that the 40 percent will be exceeded at some time in the future, as more than 1,100 subdivided, yet vacant, lots are located within the proposed boundaries. An additional 1,830 acres are designated for residential and recreation area development by the owner of the property. *K-1*

- (3) G.S. 120-170 -- To determine whether the proposed village both intends to provide services similar to those provided by other communities of similar size and situation and whether the proposed tax rates are appropriate for the services proposed, we compared the proposed community to five other municipalities. These five towns are all resort or retirement communities; four of these having permanent populations of less than 100. They are:

Bald Head Island in Brunswick County,
Beech Mountain and Seven Devils in both Avery and Watauga
Counties,
Indian Beach in Carteret County, and
Sugar Mountain in Avery County.

The attached tables exhibit the services, budget expenditures, and tax rates of these municipalities.

Services:

According to information supplied with the petition for incorporation, Wolf Laurel would provide services in two general areas: (1) building inspection/planning/zoning, and (2) parks and recreation. All of the comparison communities have substantial (\$56,000+) expenditures for police protection. All of the comparison communities which have public streets also have expenditures for streets and all but one have expenditures for fire/rescue/public safety. As indicated in the attached chart, other comparison communities provide environmental services such as garbage collection and/or water and sewer service.

Streets: All of the streets within the proposed boundaries of the village are private. At the November 29, 1988 meeting of this Commission, the representatives of the proposed village stated their intention that the village participate in maintaining the roads.

Since that time, we have discussed this situation with interim village board members. We understand that a proposal to upgrade Wolf Laurel Road to state standards and offer it to the state for dedication and maintenance is under consideration. Other streets within the village would also need to be dedicated to the public prior to expenditure of public funds for maintenance.

Tax Rates:

The proposed tax rate of \$.105/\$100 is lower than all of the other communities. The tax rates of the comparison communities range from \$.19/\$100 for Indian Beach, which offers only police and public safety services, to \$.76/\$100 for Beech Mountain, which offers a wide range of services. The proposed budget does not contain enough detail to determine whether the proposed line items within the budget are adequate to provide the services proposed. The total budget for building inspection, permits, planning and zoning, and parks and recreation is only \$4,000, however, which does not seem adequate for a community with 1,100 lots available for development and 2,900 acres of vacant land.

As indicated on the attached checklist, the other requirements of G.S. 120-166 through 170 have been met.

RDC/jf

attachments

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PROPOSED MUNICIPALITY OF Wolf Laurel
ADDITIONAL CRITERIA - CHECKLIST

G.S. 120-166 THROUGH 171

NEARNESS - Within one mile of a community of 5,000 -9,000? No

Within three miles of a community of 10,000 - 24,999? No

Within four miles of a community of 25,000 - 49,999? No

Within five miles of a community of 50,000+? No

If yes, is community on an island that nearby city is not? —

Are communities separated by a major river or other natural barrier? —

Has nearby community adopted resolution of support? —

Has 50% requested annexation by larger community and been turned down? —

POPULATION - Is proposed community larger than 100 population? No

LEVEL OF DEVELOPMENT - Is at least 40% of community developed for urban purposes? No

AREA UNINCORPORATED - Is any part of the community included within the boundary of another incorporated municipality? No

SERVICES - Are the proposed services appropriate for a municipality of the size of the proposed one? See memo

Is the tax rate appropriate for the level of services to be provided? See memo

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SERVICES PROVIDED BY SIMILAR SIZE MUNICIPALITIES

SERVICE	BALD HEAD ISLAND	BEECH MOUNTAIN	INDIAN BEACH	SEVEN DEVILS	SUGAR MOUNTAIN	WOLF LAUREL
Police	X	X	X	X	X	
Fire/Public Safety/ Rescue	X	X	X		X	
Inspections/P&Z	X	X				X
Streets	X	X	X	X	X	
Garbage	X	X				
Other Environmental	X				X	
Water & Sewer		X		X		
Parks and Recreation		X			X	X
Other Cultural					X	

Source: NC League of Municipalities
Petition for Incorporation of Wolf Laurel Village

K-S

WOLF LAUREL (PROPOSED)
MADISON AND YANCEY COUNTIES

POPULATION - 70		
ASSESSED VALUATION	<u>MADISON</u>	<u>YANCEY</u>
REAL PROPERTY	UA	UA
TANGIBLE PERSONAL PROPERTY	UA	UA
TOTAL* ASSESSED VALUE	32,583,000	17,952,000
TOTAL CORPORATE LIMITS		50,535,000

TAX RATE PROPOSED .105

*

EXPENDITURES	
BUILDING INSPECTION	750
BUILDING PERMITS	500
ZONING	750
PARKS & RECREATION	1,000
LAND USE PLANNING	1,000
ADMINISTRATION	<u>13,900</u>
	47,900

Source: Petition for Incorporation of Wolf Laurel Village

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BALD HEAD ISLAND
BRUNSWICK COUNTY

POPULATION - 21

ASSESSED VALUATION

REAL PROPERTY	109,882,000
TANGIBLE PERSONAL PROPERTY	1,568,000
TOTAL* ASSESSED VALUE	112,095,000

TAX RATE FY 87 .30

FY 88 .41

LATEST RE-EVALUATION 1986

EXPENDITURES

POLICE	130,000	DIRECT
FIRE	1,900	O.D.
INSPECTIONS	12,000	O.D.
RESCUE	2,200	O.D. 10,000 CAP.
STREETS	24,000	DIRECT (O POWELL BILL)
GARBAGE	32,000	O.D.
OTHER ENVIRONMENTAL	14,000	O.D.

Source: NC League of Municipalities

K-7

BEECH MOUNTAIN
 AVERY AND WATAUGA COUNTIES

POPULATION - 265

ASSESSED VALUATION

	<u>AVERY</u>	<u>WATAUGA</u>
REAL PROPERTY	13,572,000	103,837,000
TANGIBLE PERSONAL PROPERTY	568,000	2,561,000
TOTAL* ASSESSED VALUE	14,155,000	106,709,000
TOTAL CORPORATE LIMITS	120,864,000	

TAX RATE FY 87 .78

FY 88 .76

LATEST RE-EVALUATION 1987

EXPENDITURES

POLICE	290,000	
FIRE	26,000	O.D.
STREETS	160,000	CAP - 375,000 (POWELL BILL - 81,449)
GARBAGE	60,000	CAP - 30,000
PLANNING & ZONING	27,000	
PARKS & RECREATION	9,000	CAP - 88,000
WATER & SEWER	212,000	

Source: NC League of Municipalities

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INDIAN BEACH
CARTERET COUNTY

POPULATION - 68

ASSESSED VALUATION

REAL PROPERTY	19,874,000
TANGIBLE PERSONAL PROPERTY	4,208,000
TOTAL* ASSESSED VALUE	54,708,000

TAX RATE FY 87 .14

FY 88 .19

LATEST RE-EVALUATION 1981

EXPENDITURES

POLICE	71,000
PUBLIC SAFETY	5,000 O.D.
STREETS & DRIVEWAYS	1,400 (POWELL BILL - 0)
ELECTRICITY	1,900

Source: NC League of Municipalities

K-9

SEVEN DEVILS
WATAUGA AND AVERY COUNTIES

POPULATION - 81		
ASSESSED VALUATION	<u>WATAUGA</u>	<u>AVERY</u>
REAL PROPERTY	18,821,000	9,993,000
TANGIBLE PERSONAL PROPERTY	-*	-*
TOTAL* ASSESSED VALUE	18,853,000	10,026,000
TOTAL CORPORATE LIMITS	28,879,000	

TAX RATE FY 87 .63
FY 88 .00A
LATEST RE-EVALUATION 1987

EXPENDITURES	
POLICE	56,000
STREETS	33,000 (POWELL BILL - 12,994)
WATER & SEWER	6,000 O.D.

Source: NC League of Municipalities

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SUGAR MOUNTAIN
AVERY COUNTY

POPULATION - '86

ASSESSED VALUATION

REAL PROPERTY	100,751,000
TANGIBLE PERSONAL PROPERTY	7,383,000
TOTAL* ASSESSED VALUE	108,138,000

TAX RATE FY 87 .57
FY 88 .57

LATEST RE-EVALUATION 1986

EXPENDITURES

POLICE	115,000
FIRE	1,000
STREETS	0 (POWELL BILL - 13,996)
GARBAGE	0
OTHER ENVIRONMENTAL	166,000
RECREATION	14,000
OTHER CULTURAL & RECREATION	100,000

Source: NC League of Municipalities

K-11

WOLF LAUREL PROPERTY OWNERS ASSN.

P.O. Box 122

Mars Hill, N.C. 28754

APPENDIX L

MEMORANDUM

TO: Members, Joint Legislative Commission on Municipal Incorporations

FROM: Interim Council, Proposed Wolf Laurel Village

SUBJECT: Commentary and Clarification on NRCD Report January 4, 1989

We feel that the report was generally favorable toward the incorporation of Wolf Laurel Village. There are several points in the report which our comments are designed to create more indepth understanding.

- (1) G. S. 120-167 -- New residences in recent years have been constructed at the rate of approximately 10 per year, adding about a million dollars to the tax base each year. As more and more of lot owners and home owners reach early or typical retirement age, the growth of permanent residents should accelerate from approximately 4 per year, confirming the statement regarding population.
- (2) G. S. 120-168 -- The rapid development of the 1,830 vacant acres will make a major change in the percent developed. These new developers will be putting in roads and recreational facilities representing substantial acreage in addition to several millions in addition to tax base. The ski resort, for example, will add nearly a million dollars to the tax base based upon 1988 investment.
- (3) G. S. 120-170 -- The interim council would like to stress that the proposed Wolf Laurel Village will have all of the services normally provided by a municipality, but the petition and budget initially focused on the immediate organizational services. In order to make a comparison of the planned operation with the communities in the NRCD report, we have projected to 1991, the target date for completion of the organizational phase and initiation of an operational phase.

Services:

Effective 1991, the Village will improve security to include fire/rescue/public safety to its services. The citizens are already heavily committed to the nearby newly-formed Ebbs Chapel Volunteer Fire Department which will be coordinated with on-premises early-warning fire/rescue. It is planned that the public safety staff will be trained for early response in the fire/rescue area and with improved streets, will be far more effective operationally than current conditions.

L-1

Streets: It is unclear where the information came regarding the consideration of dedicating streets and maintenance to the state. From the beginning it has been our plan for the Village to assume ownership and responsibility. It is the Village's goal to have the developer make contributions or physical improvements that will enable the streets to be brought to a level at which they can be maintained annually at a reasonable cost. The Village is not seeking full compliance with state specifications, but rather a roadbed condition that is of high quality. We recognize that many state specifications such as turn areas, etc. would be uneconomical to achieve. The comment that dedication to the state was under consideration may have been a miscommunication.

Tax Rates:

The major component in the tax rate will be roads. We sincerely appreciate the Commission's willingness to engage the cooperation of NCDOT to make a good estimate. This is very important to setting the tax rate and will save the Village approximately \$15,000 which it does not have currently. By doing this, the Commission has accelerated our ability to plan effectively because the original concept was to gain incorporation and use franchise and sales-tax income to provide the funds for the necessary engineering study.

The Council feels that Beech Mountain represents the community closest to Wolf Laurel. Wolf Laurel's acreage and proposed development should rather soon bring it in line with the tax base approximating Beech's. Attached is a revised "Services Provided by Similar Size Municipalities" showing Wolf Laurel's planned 1991 situation and a proposed budget for that year.

We thank the Commission for its consideration.

WOLF LAUREL VILLAGE PROPOSED BUDGET SUMMARY - 1991
MADISON AND YANCEY COUNTIES

POPULATION - 93
ASSESSED VALUATION

TOTAL CORPORATE LIMITS

MADISON AND YANCEY
53,500,000

TAX RATE PROPOSED .70

EXPENDITURES

SECURITY		105,000
ROADS		
MAINTENANCE	140,000	
IMPROVEMENT	<u>130,000</u>	
TOTAL		270,000
ADMINISTRATION		50,000
(BUILDING PERMITS		
PLANNING & ZONING		
PARKS RECREATION)		
TOTAL EXPENDITURES		425,000

INCOME

BALD MT. DEV. CONTRIBUTION	30,000
FRANCHISE TAX	13,000
LICENSE FEES	<u>5,000</u>
TOTAL INCOME	<u>48,000</u>



APPENDIX M

State of North Carolina
Department of Natural Resources and Community Development
Raleigh Regional Office

James G. Martin, Governor
William W. Cobey, Jr., Secretary

Larry South, Regional Manager

DIVISION OF COMMUNITY ASSISTANCE

March 2, 1989

M E M O R A N D U M

TO: Members, Joint Legislative Commission on Municipal Incorporations

FROM: Ralph Cantral *RC*
Chief Planner

SUBJECT: Additional Information on Road Maintenance - Proposed Wolf Laurel Village

The Asheville Office of the Department of Transportation has examined the roads within the proposed Wolf Laurel Village and has given us the following estimates to improve the unpaved roads. They stress that these are "ballpark" estimates and that detailed plans would need to be developed prior to obtaining more precise figures. They were unable to give us estimates for repairing the paved road due to its poor condition and the fact that they lack the original construction drawings.

Approximate miles of unpaved road - 36
Estimated cost to improve unpaved road - \$800,000.00
(includes only grading, placement of stone, pulling ditches, and improving drainage)
Estimated annual cost of maintenance - \$54,000.00
(1,500/yr/mi x 36 miles)

Using these estimates, and with the anticipated tax collection of 4,750 per one cent property tax (94% collection rate), an initial tax levy of \$1.69/\$100 would be required to improve the roads. An additional yearly tax levy of 11.4 cents/\$100 would be required for maintenance.

Should you have any additional questions, we will be glad to assist you in finding answers to them.

RDC/jf

M-1

APPENDIX N



March 2, 1989

TO: Mr. Gerry Cohen
FROM: Frank Denise

SUBJECT: Wolf Laurel Roads

Dear Gerry:

Enclosed is a letter from Joe K. Matheson, Jr., to myself concerning the road system at Wolf Laurel. Based on the capital outlay of \$380,000.00 to stabilize the roads and \$150,000.00 per year to maintain them, the following calculations are indicative of the required road tax:

- A. Total assessed value - \$50,500,000.00
B. Capital outlay to stabilize - \$380,000.00. Bald Mountain Development Corporation has pledged \$300,000 in receivables towards stabilization which would essentially wipe out any cost of this nature.

Amortized over 30 years at 10% interest = \$40,000.00 per year. This amounts to $\$40,000 \div \$50,500,000 = \$0.08$ per \$100 assessed value for stabilization.

- C. Road Maintenance of $\$150,000 \div \$50,500,000 = \$0.30$ per \$100 assessed value.

D. Future: Also attached is a time schedule for lot development and other amenity construction by Walnut Mountain Ventures. If you couple these improvements with developments already underway or completed, the assessed evaluation for taxes will increase as follows:

<u>Project</u>	<u>Projected Date Completed</u>	<u>Increased Value</u>
173 Lots (WMV)	February, 1990	\$ 7,800,000.00
Golf Course (WMV)	June, 1989	500,000.00
Cottages (36) (WMV)	November, 1989	3,300,000.00
Lodge (WMV)	February, 1990	900,000.00
Cart Barn (WMV)	October, 1989	200,000.00
Road-Gatehouse (WMV)	June, 1989	100,000.00
75 Condos (TWV)	October, 1990	5,600,000.00
Ski Slopes (WL Ski)	Complete	500,000.00
49 Condos (Skistock)	1992	6,100,000.00
100 homes (Roberts Group)	1993	8,500,000.00
Additional lands for Wolf Laurel Ski	1992	1,000,000.00
Normal Building & land Sales	1993	<u>3,000,000.00</u>
TOTAL		\$37,500,000.00

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Gerry Cohen
March 2, 1989
Page 2

Assessable value of land and improvements within three (3) years is \$88,000,000.00. The tax rate to maintain \$150,000.00 road costs would be \$.17 per \$100 of assessed value.

These figures are very realistic and even somewhat conservative.

As a note, Bald Mountain Development has maintained the roads (even improved them) for the year of 1988-1989 on a total income of \$72,000.00. This includes all costs related to the entire Wolf Laurel Road System.

Also attached is a copy of our most recent inspection (9/19/88) by the Florida Land Sales Board and as reported to HUD. Please note that the roads are judged to be in complete accordance with any offerings or representations as presented to current or future property owners.

I think the issue of road maintenance at Wolf Laurel is out of proportion to the actual cost necessary.

Sincerely,

Bald Mountain Development Corporation



Frank Denise
Vice President/General Manager

FD/bjc

Enclosures

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February 28, 1989

TO: Frank Denise

SUBJECT: Wolf Laurel Roads

Dear Frank:

Per our discussions with the North Carolina Dept. of Transportation (M. Ed Roberts, Dan Toler) in your office on 2/13/89, I offer the following observations and conclusions:

1. The roads at Wolf Laurel were constructed to "generally" meet the N.C. State Specifications for secondary mountain roads.
2. Bringing the roads up to a level that can be economically and effectively maintained may cost about \$10,000.00 per mile for compaction, drainage, soil treatment and surface gravel, as needed. There are 38 miles of road at Wolf Laurel so this capital outlay would be approximately \$380,000.00.
3. Cost for very good maintenance should average about \$4000.00 per mile. This amounts to \$152,000.00 per year.
4. All the roads at Wolf Laurel are low traffic, slow speed, residential mountain roads. As such, they are not subject to the harsh abuse as are a "normal" secondary road in N.C. No logging, freight, tractors, or equipment are using these roads with regularity.
5. The cost of maintenance of \$4000.00 per road mile is based on experience generated by N.C. Dept. of Transportation for Western N.C. and includes snow removal, mowing, cleaning, signage and all other phases of road maintenance; many of which do not apply to Wolf Laurel. As such, maintenance cost per mile could be considerably less than \$4000.00 per mile.
6. In addition to the above information, the main road (Wolf Laurel Road) is paved and most traffic volume would be over that road. In addition, there are four other "main" roads of about five (5) miles in length that account for all traffic leading to lot access "lanes". Main roads are generally within 1/4 mile of any residential lot. Maintaining these roads will take care of a great deal of all necessary maintenance within the system.

In my opinion, a conservative estimate of the capital to stabilize the roads at Wolf Laurel is \$380,000 with an annual maintenance cost of \$150,000. These expenditures would not only make Wolf Laurel Roads adequate, they would be "very" good roads. It may be that considerably less money can achieve the desired results and thereby lessening both capital outlay and annual maintenance.

Respectfully submitted,

J. K. Matheson, Jr., P.E., P.A.

Joe K. Matheson, Jr., P.E.

Rt. 3, • Wolf Laurel Resort

N-3

• Mars Hill, North Carolina 28754 • (704) 689-5328

OCT 3 REC'D

INSPECTION REPORT

SUBDIVIDER: Bald Mountain Development Corporation

SUBDIVISION: Wolf Laurel Estates,
Wolf Laurel Heights, Sections 1-5,
Buck Town,
Wolf Laurel Heights, Sections 6-9

COUNTY: Madison & Yancey, NC

TYPE OF OFFERING: Homesites

DATE OF INSPECTION: September 19, 1988

NAME OF CONTACT: Frank Denise (704/689-4111)

PURPOSE OF INSPECTION: Maintenance of Improvements

PROMISED IMPROVEMENTS: Stables, Graded Roads, Drainage & Central Water

COMPLETION DATE: Completed

NUMBER OF LOTS: 1,491

MAINTAINED BY: Developer - Purchaser assessed \$100 per lot
per year.

INSPECTOR'S COMMENTS:

In riding over all the roads in this subdivision I noted very little erosion or drainage problems. Since my last inspection of October 20, 1987 the developer has installed several "silt pits" and culverts to help stabilize, reduce the volume of water down the ditch lines and also to help with any erosion problems. The developer will continue with "silt pit" construction and additional cross-culvert installations. The developer is also getting bids for hydroseeding the banks. All of the above is in conjunction with the Department of Natural Resources of North Carolina.

All the roads were in good shape with some gravel, even though only graded roads were promised in the Offering Statement.

The following amenities have been sold (approval by the Division) 18 hole golf course, Golf shop, 70 unit motel, swimming pools, restaurant, ski slope and shop.

Jack Tully
Jack Tully, Inspector

WJT:eo

cc: Jack Dartigalongue
Jack Tully
Parent File
Reading File
Inspection File

Frank Denise
Wolf Laurel Resort
Rt. 3 Wolf Laurel
Mare Hill, NC 28754

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APPENDIX O

March 4, 1989

TO: Members, Joint Legislative Commission on Municipal Incorporations

FROM: Richard L. Randle, Concerned Citizens Against Incorporation of Wolf Laurel

Gentlemen:

Not having been afforded any addendum or additional information in re: proposed Wolf Laurel Village, we are at a disadvantage in answering any statements made by the proponents.

The memorandum dated March 2, 1989 (the day of your meeting solely for the purpose of writing the report on Wolf Laurel) from Mr. Ralph Cantral contains what we believe to be factually incorrect information (information received from third parties and/or the proponents of incorporation).

Our discussion with the Department of Transportation in Raleigh on March 2, 1989 revealed that there had been no actual physical inspection of the roads at Wolf Laurel as opposed to only seeing a map thereof, we wish to submit the following:

- (1) The heresay information received by Mr. Cantral was inadequate as there are approximately 90 plus miles of roads in Wolf Laurel, 88 miles thereof approximately being unpaved.
- (2) Our information received from the head of Division of Secondary Roads and his chief assistant of the Department of Transportation revealed that the \$20,000 ballpark figure would be at best a guess-timate and the cost could run substantially higher. Indeed it would be difficult for anyone making an actual physical inspection at this time of year to make any kind of estimate with the roads being frozen and/or covered with snow or mud.
- (3) The estimated cost of \$20,000 a mile for grading, placing of some gravel, pulling ditches and improving drainage assumes that you have the necessary equipment in good repair to perform said task (Wolf Laurel does not have this) upping the cost by hundreds of thousands of dollars to obtain said equipment.
- (4) The estimated annual cost of maintenance we were told could not be estimated and that the minimal standard for the approximately \$20,000 plus cost would have to be repeated every few years.
- (5) The costs given to us for paving the "paved" portion of the road would range between \$150,000 and \$250,000 a mile and given the approx-

O-1

imately 3 miles of "paved" roads this could easily amount to \$600,000 plus. Using these figures as supplied by the DOT in Raleigh and the actual number of roads in Wolf Laurel (not less than one-half of them) plus the cost of paving the "paved" roads the tax rate would be completely unreasonable and the levy as set forth in Mr. Cantral's letter would without question double and probably quadruple and bear in mind that this would have to be repeated every few years. This is without question as expressed to us by the DOT because of the thaw-freeze syndrome in the mountainous area known as Wolf Laurel.

We cannot help but observe that once again the proponents of incorporation in their zeal have underestimated costs and/or attempted to hide the real and true costs of the realistic tax structure (including roads) at Wolf Laurel.

Thank you for this opportunity to set the record straight once again and we reiterate what has been previously said that the budget submitted to this commission for consideration contains only administrative costs (plus duplicated building inspection permits) and it is respectfully submitted that this memo from Mr. Cantral is of little or no value whatsoever to anyone, particularly to this commission.

Thank each one of you once again for your consideration, patience and understanding.

Very truly yours,



Richard L. Randle
Concerned Citizens Against Incorporation
of Wolf Laurel

RLR/br

3716 Rubin Road
Jacksonville, FL 32257

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